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CONTENTS

Michael McMahon Sheehan, C.S.B., M.S.D. (1925–1992)	
<i>Walter H. Principe</i>	vii

TEXT

The "Summa penitentie Fratrum Predicatorum": A Thirteenth-Century Confessional Formulary	
<i>Joseph Goering and Pierre J. Payer</i>	1

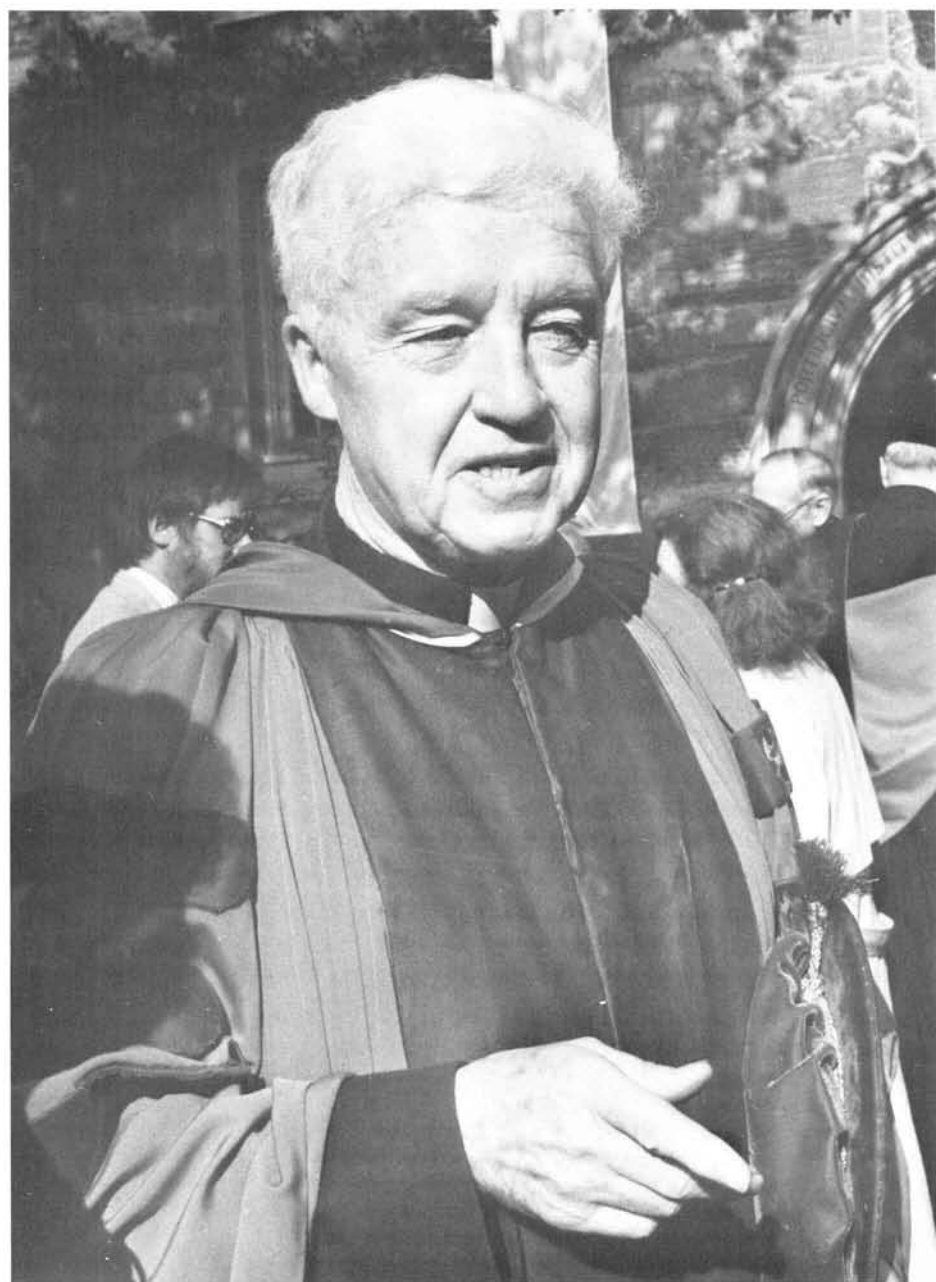
ARTICLES

Humanism and Ethics at the School of St. Victor in the Early Twelfth Century	
<i>C. Stephen Jaeger</i>	51
Berthaud of St. Denis: An Opponent of Henry of Ghent's Counting Method	
<i>Gordon A. Wilson</i>	81
<i>Auctoritas</i> and <i>Potestas</i> : A Reevaluation of the Correspondence of Gelasius I on Papal-Imperial Relations	
<i>Alan Cottrell</i>	95
Manfred of Sicily and Urban IV: Negotiations of 1262	
<i>Beverly Berg</i>	111
Oleg's Status as Ruler of Tmutarakan': The Sphragistic Evidence	
<i>Martin Dimnik</i>	137
Sending, Joining, Writing, and Speaking in the Diocesan Administration of Thirteenth-Century Lincoln	
<i>Michael Burger</i>	151
Poetic Invention and the Medieval <i>Causae</i>	
<i>Robert R. Edwards</i>	183
The Influence of the <i>Evangelium Nicodemi</i> on Norse Literature: A Survey	
<i>Kirsten Wolf</i>	219
The Penitential of Finnian and the Textual Witness of the <i>Paenitentiale Vindobonense</i> "B"	
<i>Rob Meens</i>	243
Baptismal Rite and Paschal Vigil in Transition in Medieval Spain: A New Text in Visigothic Script	
<i>Roger E. Reynolds</i>	257
Gerarchie grafiche e metodi di correzione in due antichi codici giachimiti (Laur. Conv. Sopp. 358, Padova Ant. 322)	
<i>Fabio Troncarelli</i>	273

Miscellanea beneventana (VII)

1. The Restored *Life and Miracles of St. Dominic of Sora* by
Alberic of Monte Cassino *Carmela Vircillo Franklin* 285
2. A Musical Fragment at Bisceglie Containing an Unknown Bene-
ventan Office *Thomas Forrest Kelly* 347

THE FELLOWS AND ASSOCIATES
OF THE
PONTIFICAL INSTITUTE OF MEDIAEVAL STUDIES
DEDICATE
THIS VOLUME
TO THE MEMORY OF
MICHAEL McMAHON SHEEHAN, C.S.B.



MICHAEL McMAHON SHEEHAN, C.S.B., M.S.D. (1925–1992)

Walter H. Principe, C.S.B.

On 23 August 1992, Michael Sheehan set out after breakfast to ride his bicycle in a section of Toronto where on Sunday mornings there is little traffic. In some unknown way he suffered a fall and severely injured his head. After he was found and rushed to the hospital, he failed to regain consciousness and later that afternoon was pronounced dead. Hundreds of colleagues, family members, Basilian confreres, and friends gathered for a wake service in St. Michael's College Chapel on 26 August and for the funeral Eucharist in St. Basil's Church on 27 August. He was buried at Holy Cross Cemetery, Thornhill, Ontario, on the morning of 28 August. On 27 November, representatives of different academic, diocesan, and social groups gathered for a memorial service in St. Basil's Church to pay tribute to all that he had meant to them.

Michael McMahon Sheehan was born on 29 January 1925 in Renfrew, Ontario, a town in the Ottawa Valley northwest of the city of Ottawa. After completing elementary and high school studies in Renfrew, he came to St. Michael's College in the University of Toronto and enrolled in the honours course in Philosophy, English, and History. In 1943 he entered the novitiate of the Congregation of St. Basil (Basilian Fathers). From 1944 to 1947 he completed his undergraduate studies at the university and then began his theological studies, being ordained a priest in 1950. He received an M.A. in philosophy in 1951 and the Licentiate in Mediaeval Studies (*summa cum laude*) at the Pontifical Institute of Mediaeval Studies in 1954. Two years of study and research at the École Pratique des Hautes Études in the University of Paris prepared the way for his major thesis, *The Will in Medieval England*. This work, which won him the rarely attained degree of Doctor in Mediaeval Studies (*summa cum laude*) in 1962, was published in the Studies and Texts series of the Institute in 1965. A recent citation honouring him declared that this work "remains a classic in its field."

In 1953 Michael Sheehan began an illustrious thirty-nine-year service of teaching and research in the Pontifical Institute of Mediaeval Studies. During

those years he also taught church history and the history of art in the Faculty of Theology of the University of St. Michael's College. When the University of Toronto established its own graduate Centre for Medieval Studies in 1965, he, with other Fellows of the Institute, was named a professor in its programme; from 1973 he was also a professor in the Department of History of the University of Toronto. These different appointments meant that he was always heavily engaged in teaching, in directing graduate students preparing for the doctorate, in guiding and counseling theology students preparing for ministry, and in serving endlessly on university committees and boards as well as on those in other academic organizations or in different ecclesial and social bodies.

Michael Sheehan's main teaching and research fields were medieval social and legal history, history of the medieval Church, early Byzantine and medieval architecture and art, and modern and contemporary religious architecture and art. These multiple competencies meant that he was in constant demand, and he responded to these demands with an exemplary generosity that over the years gradually sapped his strength. In addition to his close individual attention to the hundreds of students he taught, he directed the doctoral theses of twenty students, the master's and licentiate theses of thirteen others, and during the last ten years alone served on the examining boards of forty-two doctoral candidates. Although urged, for the sake of his health, to withdraw gradually from his teaching in the Faculty of Theology, he persisted because he was so convinced that both clerical and lay ministers in the Church need an historical grasp of Catholic Tradition.

Such devotion could not but curtail the time he could give to his two long-term research projects, one a continuation of the history of wills in England, the other a bibliography of marriage and family history flowing from his research seminars in this field. Nevertheless, his teaching, research, and publication in these and related areas established his reputation as a leading, often innovative, scholar in several areas of medieval social and legal history. A recent formal citation, for example, described him as one "who now stands with a handful of international pioneers of the last two decades who have established that the family of Western Europe slowly evolved marriage and socio-economic patterns over many centuries."

His recognized achievements in these fields led to his being constantly asked to speak at scholarly conferences in North America and Europe and to serve as organizer and/or editor of proceedings or collections of essays in social and legal history. His accomplishments were also recognized by his being named a Visiting Fellow of All Souls College, Oxford University, in 1985.

In addition to his published volumes, Michael Sheehan produced a solid body of scholarly chapters in books or articles in professional journals (see the accompanying bibliography). Shortly before his death, he had delivered two papers in Germany, one in connection with the preparation of a four-volume *History of Medieval Canon Law*, in which he was an active collaborator. He had also been contacted by the editors of the Variorum Reprint Series about publishing a volume which would make more readily accessible his important articles scattered in various books and journals.

Another important facet of Michael Sheehan's career was his competency in the history of art and architecture furthered by his interest in archeology. During his studies and travels in Europe and Asia Minor he stored up in his exceptional visual memory (and indeed in his fingers from his archeological digs in Turkey) an immense experience of the art and architecture of every era from the classical to the contemporary, but especially of the early Byzantine and western medieval periods. From his first years of teaching he introduced both medievalists and theology students to this rich artistic expression, making it all the more vivid by relating it to the historical background he knew so well and by using a large slide collection he had gathered, which is still in use today.

With respect to archeology, Michael Sheehan had both a practical and a theoretical interest. A great lover of the outdoors, he often went on rock-hunting expeditions in rural Ontario, a pastime that sparked his desire to do practical work in archeology by sharing in two digs at early Christian sites in Turkey. Traveling in a Land Rover from Paris to one of these sites, he fed his love of adventure and history by following the route taken by westerners on the Second Crusade. Theoretically, he always insisted strongly to his colleagues and students that archeology is as important a basic tool for medieval historians as is paleography for those working in medieval diplomatics, law, philosophy, or theology. Hence he maintained that archeology should be required in the training of medieval historians on a par with paleography and languages.

Michael Sheehan served as President of the Canadian Catholic Historical Association, as President-General of this association and La Société Canadienne d'Histoire de l'Église Catholique as joined together, and for many years produced an annual bibliography of publications covering all aspects of Canadian church history studies. He was also Vice-President of the American Catholic Historical Association, a member of the Midwest Medieval History Conference and, as Vice-President of the Medieval Academy of America, was to become its President in 1994. He served on the editorial boards of five learned journals and constantly reviewed manuscripts for ten academic presses or journals.

Although he once playfully replied to a student's inquiry about a book giving a sensational account of some recent church event, "My dear, I am a medievalist; anything written after 1500 is sheer journalism to me," in fact he showed by many practical activities how vital history can be to contemporary concerns. His studies and writing in legal history made him a valuable aid to several corporate groups in their preparation of their statutes. Each year he helped plan the Michaelmas Conference, a gathering of prominent leaders in the professions, business, and politics for serious discussions about modern problems in the light of the Gospel, history, and theology: for these conferences his historical knowledge contributed greatly to the interplay of ideas.

Again, because of his knowledge of past and contemporary art, he became the founding chairman of the University of Toronto Art Committee and was also chair of the university's Hart House Art Committee. As a dedicated presbyter and religious, he was happy to serve the Archdiocese of Toronto not only by regularly celebrating the Eucharist in its parishes but also by serving on its Committee on Sacred Architecture and its Liturgical Committee. His research in medieval family life provided him with background for service on the archdiocesan Family Pastoral Service Committee and Catholic Family Life Commission and for chairing its Committee on the Family and Education and its Task Force on Catholic Family Life.

These same studies, joined to his practical experience with and concerns for his remarkably long-lived relatives, furthered his interest in the problems of aging and the aged. As a medievalist, he chaired the Programme Committee for a University of Toronto conference, "Aging and the Aged in Medieval Europe." As a person of his times, he was a council member of the same university's Programme in Gerontology, and he lectured and served on various panels at conferences examining the needs of the aged in our day.

All this generous, outgoing service to institutions, associations, committees, and their individual members flowed from Michael Sheehan's deeply prayerful spiritual life. Like St. Francis de Sales, on whose feast he was born and whose example he cherished, he gracefully channeled a strong (and by his own admission somewhat irascible) temperament into a loving active concern for each person he met. While appreciating his intellectual and esthetic endowments and ready wit, most people spontaneously emphasize his loving concern for individuals. What was especially striking about his concern was that he not only responded to the needs of others but often intuited their needs before being asked, sometimes before they even realized their needs, and he then acted generously to help them. Even when, often by drawing on his knowledge of history, he disagreed with the opinions

of others, he nevertheless retained a warm friendly relationship with them: he knew how to distinguish between disagreement and discord; he always sought concord and personal sympathy.

A reviewer of Michael Sheehan's book, *The Will in Medieval England*, after summarizing the great significance of this work for lawyers and others, concluded with this tribute: "So complete and thorough an account . . . of testamentary law and its application inevitably produced facts and conclusions that dictate corrections and revisions of earlier historians. Sheehan makes them, and, with a modesty not too common among revisionists, he neither flaunts his findings nor pillories his predecessors. Justly, he may take pride in the quality of his book, but he may take a greater pride in having written it with the humility that so becomes both his callings, the priest and the historian" [William Huse Dunham, Jr., in *The American Historical Review* 69 (1963–64): 426–27]. This tribute, written in the early years of Michael Sheehan's career, presaged both his later exceptional academic achievements and his constantly edifying personal spirituality.

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THE "SUMMA PENITENTIE FRATRUM PREDICATORUM": A THIRTEENTH-CENTURY CONFESSIONAL FORMULARY

Joseph Goering and Pierre J. Payer

The requirement of annual confession decreed by the Fourth Lateran Council (1215) certified an already existing concern with the sacrament of penance and provided a substantial impetus to pastoral renewal. The decree not only laid down the law for male and female believers but, echoing the *Decretum* of Gratian, it also sketched a portrait of the ideal confessor:

Let the priest be insightful and cautious; let him apply wine and oil to the wounds of the injured in the manner of a skilled physician. By carefully inquiring into the circumstances both of the sin and the sinner he should gain a prudent understanding of the kind of counsel he ought to give and the remedy to employ so as to heal the sick by using the diversity of his experience.¹

¹ "Sacerdos autem sit discretus et cautus, ut more periti medici superinfundat vinum et oleum vulneribus sauciati, diligenter inquirens et peccatoris circumstantias et peccati, per quas prudenter intelligat, quale illi consilium debeat exhibere et cuiusmodi remedium adhibere, diversis experimentis utendo ad sanandum aegrotum" (Lateran Council iv, c. 21, in *Conciliorum oecumenicorum decreta*, ed. J. Alberigo et al., 3d ed. [Bologna, 1973], 245; incorporated into the *Decretals of Gregory IX* [5.38.12]). See Gratian, "Diligens igitur inquisitor subtilis investigator sapienter et quasi astute interroget a peccatore quod forsitan ignoret, vel verecundia velit occultare" (*Decretum, De penit.* 6.1 § 3; from a work falsely attributed to Augustine, *De vera et falsa poenitentia* 20 [PL 40:1129–30]).

The following abbreviations will be used throughout:

- P. of Hungary, *De conf.* = Paul of Hungary, *Incipiunt rationes penitentiae composite a fratribus predicatorum*, edited in *Bibliotheca Casinensis seu codicum manuscriptorum qui in tabulario Casinensi asservantur*, vol. 4, pt. 2, *Florilegium Casinense* (Monte Cassino, 1880), 191–215.
- P. of Poitiers, *Summa de conf.* = Peter of Poitiers, <*Summa de confessione*> "*Compilatio praesens*," ed. Jean Longère, CCCM 51 (Turnhout, 1980).
- Pontal = Odette Pontal, ed., *Les statuts synodaux français du XIII^e siècle précédés de l'histoire du synode diocésain depuis ses origines: 1. Les statuts de Paris et le Synodal de l'Ouest (XIII^e siècle)*, Collection de documents inédits sur l'histoire de France. Section de philologie et d'histoire jusqu'à 1610. Série in-8°, vol. 9 (Paris, 1971). Note that what we call the Synod of Angers is called "le Synodal de l'Ouest" by Pontal.
- Raym., *Summa* = S. Raimundus de Pennaforte *Summa de paenitentia*, ed. Xaverio Ochoa and Aloisio Diez, *Universa bibliotheca iuris*, vol. 1.B (Rome, 1976).
- RGP = *Romano-Germanic Pontifical*. Cyrille Vogel and Reinhard Elze, eds., *Le Pontifical*

The Latin terms "discretus," "cautus," "prudenter," "intelligat," "consilium," and "experimentis" suggest the language associated with the traditional idea of *discretio* and the virtue of *prudencia*, moral-intellectual qualities which defy translation into contemporary English. The confessor is to be a *homo discretus et prudens*, a man possessed of moral uprightness and insightful practical knowledge.²

As bodies are entrusted to medical doctors, the care and cure of souls are entrusted to confessors, spiritual doctors who must know the art and know how to apply it.³ Confessors must have the required degree of knowledge and receive guidance in applying it in the context of confession. In the years preceding Lateran IV there was an evident interest in writing books that would provide both the knowledge and the guidance. Perhaps the best known are the works of Alan of Lille, Robert of Flamborough, Thomas of Chobham, and Peter of Poitiers.⁴ These writings were the first of a long series of works of this type on penance and confession produced throughout the Middle Ages and the Renaissance.⁵

Romano-Germanique du dixième siècle, 3 vols., Studi e testi 226, 227, 269 (Vatican, 1963, 1972).

S 1 = H. J. Schmitz, *Die Bussbücher und die Bussdisciplin der Kirche nach handschriftlichen Quellen dargestellt* (Mainz, 1883; rpt. Graz, 1958).

S 2 = H. J. Schmitz, *Die Bussbücher und das kanonische Bussverfahren nach handschriftlichen Quellen dargestellt* (Düsseldorf, 1898; rpt. Graz, 1958).

T. of Chobham, *Summa conf.* = *Thomae de Chobham Summa confessorum*, ed. F. Broomfield, *Analecta mediaevalia Namurcensia* 25 (Louvain, 1968).

² "Caveat spiritualis iudex, ut sicut non commisit crimen nequiciae, ita non careat munere scientiae" (Gratian, *Decretum, De penit.* 6.1 § 3). According to Cicero (*De inventione* 2.53.160) the parts of *prudencia* are *memoria* (related to experience), *intelligentia*, and *providencia*. According to Macrobius the parts of *prudencia* are *ratio*, *intellectus*, *circumspectio*, *providencia*, *docilitas*, and *cautio* (*Ambrosii Theodosii Macrobiani Commentarii in Somnium Scipionis* 1.8.7, ed. J. Willis [Leipzig, 1963], 38). See Saint Thomas d'Aquin, *Somme théologique: La prudence* (2a-2ae, Questions 47-56), ed. T.-H. Deman, 2d ed. (Paris, 1949), "Reenseignements techniques," 375-421; Fr. Dingjan, *Discretio: Les origines patristiques et monastiques de la doctrine sur la prudence chez saint Thomas d'Aquin*, Van Gorcum's theologische bibliotheek 39 (Assen, 1967).

³ For the antiquity of the medical analogy, see John T. McNeill, "Medicine for Sin as Prescribed in the Penitentials," *Church History* 1 (1932): 14-26.

⁴ For an overview of the penitential writings of these authors, see Jean Longère, "Quelques *Summae de poenitentia* à la fin du XII^e siècle et au début du XIII^e siècle," in *La piété populaire au moyen âge*, vol. 1 of *Actes du 99^e congrès national des sociétés savantes, Besançon, 1974, Section de philologie et d'histoire* (Paris, 1977), 45-58.

⁵ See Amédée Teetaert, "Quelques 'Summae de poenitentia' anonymes dans la Bibliothèque Nationale de Paris," in *Miscellanea Giovanni Mercati* 2, Studi e testi 122 (Vatican, 1946), 311-43; Pierre Michaud-Quantin, *Sommes de casuistique et manuels de confession au moyen âge (XII-XVI siècles)*, *Analecta mediaevalia Namurcensia* 13 (Louvain, Lille, Montreal, 1962); Winfried Trusen, "Forum internum und gelehrtes Recht im Spätmittelalter: Summae confessorum und Traktate als Wegbereiter der Rezeption," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 57 (1971): 83-126.

Sometimes these works on penance and confession are referred to in a general way as *summae confessorum* or *summae de penitentia*. There was no agreement in the Middle Ages nor is there agreement now on the correct nomenclature for designating them. There is, however, a recognition of their variety and of two broad species of work: (1) substantial treatises whose focus is on the moral and canonical knowledge required for confessors and for those engaged in the pastoral ministry generally; (2) shorter, compact works whose focus is on the actual administration of the sacrament of penance. Father Leonard Boyle recently attempted to sort out the variety of works and to classify them. Following his classification, the first species mentioned above would be called *summae confessorum*, "*Summae* which are directed towards the intellectual preparation of priests for a prudent, discreet and informed exercise of the office of confessor."⁶ These are, in effect, academic works, the finest and the most influential of which was the *Summa* of the Dominican, Raymund of Peñafort (first version, about 1225). The second species, practical handbooks for administering the sacrament of penance, would be called *confessionalia*, "handbooks on the hearing of confessions, absolution and the imposition of satisfaction."⁷

The *summa* "Cum ad sacerdotem," edited below, belongs in the category of *confessionalia* or practical handbooks. Even in the Middle Ages it was distinguished from the more academic *summae*. For example, two manuscripts of the Bibliothèque Mazarine in Paris contain a four-part *De penitentia*. The first part is called "De modo confitendi," and the second part, a version of "Cum ad sacerdotem," is entitled "De modo audiendi confessiones et confitendi et penitentias iniungendi." These two works belong to the species *confessionalia*. The third part ("De confessione") is set off against the two previous practical pieces, undertaking to speak of confession *magistraliter*, i.e., in an academic fashion. This, and the fourth part, which presents the teachings of legal experts (*iurisperiti*) on various questions and cases of conscience, would belong to the species *summae confessorum*.⁸

The title given to "Cum ad sacerdotem" in these Mazarine manuscripts, "On hearing confessions, and confessing, and enjoining penances," captures exactly the nature of the work. Such short confessional writings provide a skeletal outline of the elements to be borne in mind by the confessor, particularly in regard to points to be covered in his questioning penitents.

⁶ Leonard E. Boyle, "*Summae confessorum*," in *Les genres littéraires dans les sources théologiques et philosophiques médiévales: Définition, critique et exploitation*, Actes du Colloque international de Louvain-la-Neuve, 25-27 mai 1981 (Louvain-la-Neuve, 1982), 235.

⁷ Boyle, "*Summae confessorum*," 234.

⁸ On Paris, Bibliothèque Mazarine 924 and 986, see Teetaert, "Quelques 'Summae de paenitentia' anonymes," 332-33; see the description of manuscripts below.

Pierre Michaud-Quantin calls these “formularies” (*formulaire*s). They begin with brief general observations on the nature of confession and then sketch a framework within which the confessional interrogatory is to take place, comprising, for example, the seven capital sins, the five senses, the Ten Commandments, the articles of faith, and the seven sacraments.⁹ “Cum ad sacerdotem” belongs to the type of confessional manual called formulary by Michaud-Quantin who, in fact, refers to it as such.¹⁰ It is, however, an expanded formulary more like some of the recently edited penitential writings of Robert Grosseteste.¹¹

Within this class of short confessional manual the summa edited below is distinguished by its single-minded concentration on the actual administration of penance within a traditional liturgical setting. Its first lines (“Cum ad sacerdotem pro peccatis confitendis peccator accesserit”) set the liturgical tone to the whole, echoing as they do a formulaic introduction to confession found in the liturgy of private penance at least as far back as the *Romano-Germanic Pontifical* of the tenth century.¹² It concludes with the absolution of the penitent by the confessor, an integral element of sacramental confession. The work follows the progression of confession, beginning with an introductory section on the reception of the penitent, through the questioning of the penitent by the confessor, to the concluding section which

⁹ Pierre Michaud-Quantin, “Deux formulaires pour la confession du milieu du XIII^e siècle,” *Recherches de Théologie ancienne et médiévale* 31 (1964): 43–62; two formularies are edited: “Confessio debet esse” (pp. 52–57) and “Ad habendum salutiferae confessionis ordinem” (pp. 60–62). For another example of a formulary, see “Debet humiliter et devote audire totum” (among the works of William of Auvergne, *Opera omnia* 2, Supplement [Paris, 1674; rpt. Frankfurt a. M., 1963], 247). For the anonymous authorship of the latter, see P. Glorieux, “Le Tractatus novus de Poenitentia de Guillaume d’Auvergne,” in *Miscellanea moralia in honorem eximii domini Arthur Janssen*, Bibliotheca Ephemeridum theologicarum Lovaniensium, series 1, vol. 3 (Leuven-Louvain, 1948), 565.

¹⁰ “Deux formulaires,” 51.

¹¹ The following works have been edited by J. Goering and F. A. C. Mantello: “The ‘Perambulavit Iudas . . .’ (*Speculum confessionis*) Attributed to Robert Grosseteste,” *Revue Bénédictine* 96 (1986): 125–68; “Notus in Iudea Deus: Robert Grosseteste’s Confessional Formula in Lambeth Palace MS 499,” *Viator* 18 (1987): 253–73; “The Early Penitential Writings of Robert Grosseteste,” *Recherches de Théologie ancienne et médiévale* 54 (1987): 52–111. Likewise, see William de Montibus, *Speculum penitentis*, in Joseph Goering, *William de Montibus* (c. 1140–1213): *The Schools and the Literature of Pastoral Care*, Studies and Texts 108 (Toronto, 1992), 179–210, and the late twelfth-century work edited by P. Michaud-Quantin, “Un manuel de confession archaïque dans le manuscrit Avranches 136,” *Sacris Erudiri* 17 (1966): 5–54.

¹² “Cum aliquis venerit ad sacerdotem confiteri peccata sua” (*RGP CXXXVI.1* [ed. Vogel and Elze 2:234]). See *Ordo ad dandam poenitentiam*, “Quando peccator sua vult aliquis confiteri” (S 1:98). The formula is actually older and is encountered in a ritual of penance associated with penitentials of the eighth and ninth centuries. See “Cum ergo venerit aliquis ad sacerdotem confiteri peccata sua” in the ritual “Quotiescunque christiani” (S 2:200–201).

comprises instructions on the imposition of penance, directions for a general confession, and absolution.¹³

In short, "Cum ad sacerdotem" is a fine example of a complete set of instructions for the actual hearing of confessions, and the number and distribution of manuscripts point to widespread use. This is reason enough to justify an edition of the work. An even more compelling reason, however, is that this little work may be one of the earliest manuals of confession written for the Dominican friars to prepare them for the mission of hearing confessions entrusted to the Order by Pope Honorius III in 1221.¹⁴ During the thirteenth century, the Order of Preachers became a very influential Order of confessors as well. Among the earliest writings produced for the use of Dominican friars were the penitential summae of Paul of Hungary and Raymund of Peñafort and, perhaps, the *Summula Magistri Conradi*.¹⁵ They provided detailed information to guide the confessor in the application of penitential doctrine and canon law. The "Cum ad sacerdotem" might be seen as providing the practical instruction on how to apply that knowledge in the setting of confession.

The strongest evidence that "Cum ad sacerdotem" is a Dominican work comes from MS 326 in Trinity College, Dublin, where the work is called *Summa penitentiae fratrum predicatorum*.¹⁶ In his recent study of three early thirteenth-century *summae de penitentia*, J. P. Renard has referred to this title as an "appellation contrôlée," implying some sort of official endorsement of the "Cum ad sacerdotem" by the Order.¹⁷ It certainly demonstrates that by the end of the thirteenth century this work was being used as a confessional guide by the Dominican friars.

¹³ This framework is clear in Robert Grosseteste's "Notus in Iudea Deus" and is detectable in the first part of the recently reconstructed penitential collection ascribed to him (see Goering and Mantello, "The Early Penitential Writings of Robert Grosseteste," 80–92).

¹⁴ See Leonard E. Boyle, "Notes on the Education of the *Fratres communes* in the Dominican Order in the Thirteenth Century," in *Xenia medii aevi historiam illustrantia oblata Thomae Kaeppli O.P.*, ed. R. Creytens and P. Künzle (Rome, 1978), 2 vols., 1:249–53; rpt. in his *Pastoral Care, Clerical Education and Canon Law, 1200–1400* (London, 1981). The authenticity of Honorius's bull of 1221 has been questioned; see Jean Pierre Renard, *Trois sommes de pénitence de la première moitié du XIII^e siècle: La "Summula Magistri Conradi." Les sommes "Quia non pigris" et "Decime dande sunt,"* 2 vols. (Louvain-la-Neuve, 1989), 1:110–11 n. 196.

¹⁵ Boyle, "Notes on the Education of the *Fratres communes*," 251–53. Renard, in his recent edition, finds inconclusive the evidence that the so-called "Summula Conradi" is a Dominican work written by Conrad of Höxter, O.P. (Renard, *Trois sommes* 1:73–79). The question of Dominican authorship must remain open.

¹⁶ This copy was first noticed by Leonard Boyle, "Notes on the Education of the *Fratres communes*," 253 n. 10.

¹⁷ Renard, *Trois sommes* 1:79 and 115 n. 240.

The evidence of the other manuscript copies tends to confirm an association with the Order of Preachers. Three early copies of the text are preserved in codices containing other Dominican writings.¹⁸ Eleven copies circulated along with the confessional tract "Confessio debet esse praevisa," a work derived from the Dominican Hugh of St. Cher's commentary on Lombard's *Sentences*.¹⁹ One copy ascribes the "Cum ad sacerdotem" to the Franciscan John of Rigaud (d. 1323), but this is an obvious scribal blunder.²⁰ Finally, the wide distribution of the manuscript copies in libraries throughout Europe, an unusual fate for an anonymous and unprepossessing text such as ours, argues for its use by a large and very mobile group of confessors; such were the Dominican friars.

Internal evidence also points to a Dominican provenance for the "Cum ad sacerdotem." In line 4 of the text, edited below, the confessor is told to inquire of the penitent, "Where do you come from?" or "Where were you born?" ("unde es tu oriundus?"). Precisely this question is recommended by Paul of Hungary, O.P., who adds that it was Dominic himself who prescribed it: "Item, ut dicit prior [noster] magister Dominicus, discretus sacerdos debet considerare modum regionis unde est confitens oriundus, qualiter ibi homines consueuerint ieunare, et secundum hoc ei consulere."²¹

The general tenor of the first three paragraphs of "Cum ad sacerdotem" make it clear that these instructions are designed for priests who are likely to be unfamiliar with the penitents whom they encounter. Unlike the local priest of a parish, these confessors must inquire at the outset as to the status and offices of the penitents before them. They are also taught to hear the confessions of other clerics, of monks, and of students in the schools. Such instruction would be superfluous for a simple parish priest but would be necessary for confessors, such as the Dominican friars, who were commissioned to preach and hear confessions throughout Christendom. Indeed Humbert of Romans, Minister General of the Dominican Order

¹⁸ MSS *B*, *D*, and *G*, in the list of manuscripts below. The two earliest copies, MSS *N* and *S*, may also be of Dominican provenance.

¹⁹ Michaud-Quantin, "Deux formulaires," 44–45. The "Cum ad sacerdotem" circulated alongside the "Confessio debet" in ten of the twelve copies known to Michaud-Quantin. Another example is in London, British Library Sloane 1253 (see Appendix below).

²⁰ See the description of London, British Library Arundel 379, below.

²¹ The text of Paul's *Summa* printed by the Monks of S. Benedict at Monte Cassino in *Florilegium Casinense* 4:197a is faulty. We have corrected it against the copy of Paul's *Summa* in Dublin, Trinity College 326 (see list of manuscripts below). See Pierre Mandonnet, "La 'Summa de poenitentia magistri Pauli presbyteri S. Nicolai' (Magister Paulus de Hungaria O. P. 1220–1221)," in *Aus der Geisteswelt des Mittelalters*, Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters, Supplementband 3 (Münster i. W., 1935), 525–44; rpt. in vol. 1 of Pierre Mandonnet and M. H. Vicaire, *Saint Dominique: L'Idée, l'homme et l'œuvre* (Paris, 1937), 249–69; rev. Heinrich Weisweiler, *Scholastik* 11 (1936): 440–41.

in the middle of the thirteenth century, uses many of the same phrases as the "Cum ad sacerdotem" to instruct confessors in the Order:

hoc primo potest inquirere a confitente, utrum sit clericus, vel laicus; et si clericus, utrum religiosus, vel non; et utrum habeat beneficium ecclesiasticum, vel non, praecipue cum cura animarum. Si laicus, inquiri potest cujus officii sit, et utrum in matrimonio sit, vel solutus; et utrum paterfamilias, vel de familia alterius.²²

Another point of contact between the "Cum ad sacerdotem" and the early Dominican penitential tradition as represented by Paul of Hungary, Raymund of Peñafort, and the *Summula Conradi* (if this work is, indeed, Dominican) is the list in lines 133–35 of eight "circumstances" to be considered by confessors. Both "Cum ad sacerdotem" and Paul of Hungary cite the same mnemonic verses for the circumstances:

Quid, ubi, quare, quantum, quis, quomodo, quando,
 Adiuncto quotiens, hec octo non resistens
 Quilibet observet anime medicamina sumens.²³

Because the authors of both texts proceed to explicate the verses (and in virtually identical words), the intended number and order of the circumstances is firmly established. But the number and order is idiosyncratic. The most common list of confessional circumstances, derived from a classical model, includes seven items:

Quis, quid, ubi, quibus auxiliis, cur, quomodo, quando.²⁴

²² Chapter 46, "De officio confessoris," in Humbert's "Instructiones de officiis ordinis," ed. Joachim Joseph Berthier, *B. Humberti de Romanis Opera: De vita regulari*, 2 vols. (Turin, 1956), 2:360–69 at 361.

²³ Lines 133–35 below. The edition of Paul's text in *Florilegium Casinense*, 193a, reads,

Hec quid. ubi. quare. quantum. quis. quomodo. quando.
 Audiunto quotiens. hec VIII. vocet respiciens.
 Quilibet observet. anime medicamina sumens.

Johannes Gründel transcribes the verses from the copy of Paul's *Summa* in Munich, Bayerische Staatsbibliothek Clm. 11338, fol. 49r:

Quidquid, ubi, quare, quantum, quis, quomodo, quando,
 adiuncto quotiens, haec nota respiscens
 quilibet observet animae medicamina sumens

(Johannes Gründel, *Die Lehre von den Umständen der menschlichen Handlung im Mittelalter*, Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters 39.5 [Münster i. W., 1963], 408).

²⁴ Gründel, *Umständen*, 423; see C. M. J. Vansteenkiste, "'Versus' dans les œuvres de saint Thomas," in *St. Thomas Aquinas 1274–1974 Commemorative Studies*, 2 vols. (Toronto, 1974), 1:82.

Raymund of Peñafort, in his *Summa de penitentia*, lists eight circumstances, although they differ slightly from those in Paul of Hungary and the “Cum ad sacerdotem.” The last line of Raymund’s verses, however, echoes the last line of these:

Quis, quid, ubi, per quos, quoties, cur, quomodo, quando,
*Quilibet obseruet, animae medicamina dando.*²⁵

The *Summula Conradi* also cites eight circumstances (at least in one recension of the text), as well as the final line urging the confessor to observe them in the cure of souls.²⁶

In his thorough study of the medieval “circumstances,” Johannes Gründel discovered no earlier examples of the eight circumstances listed in Paul of Hungary’s *Summa*.²⁷ Whether the author of “Cum ad sacerdotem” knew Paul’s work, or Paul knew the “Cum ad sacerdotem,” or whether both borrowed from an otherwise unknown source cannot be determined. The final line of verse shared by “Cum ad sacerdotem,” Paul of Hungary, Raymund of Peñafort, and the *Summula Conradi* would also seem to suggest a common milieu and some sort of textual dependence.

This evidence, along with the other internal and external indications of Dominican inspiration and use, allows us to affirm that the “Cum ad sacerdotem” is indeed a *Summa penitentiae fratrum predicatorum*.

Is it possible, also, to connect the “Cum ad sacerdotem” with the first outpouring of confessional aids for the new Order of Preachers during the 1220s? The manuscript evidence assures us that the text was composed in the first half of the thirteenth century. Two copies, MS lat. 3479 of the Bibliothèque Nationale in Paris [*N*] and MS 340 in the Bibliothèque Municipale in Toulouse [*S*], can be dated on palaeographical grounds to the middle of the century. Neither manuscript contains a very good copy of the text; the scribe of *N* has abbreviated the text in several places, and that of *S* is somewhat careless. Both copies would seem to be several stages removed from the original exemplar. The text in *S*, moreover, is accompanied by a marginal gloss for use in a classroom exposition.²⁸ That the “Cum ad

²⁵ *Summa sancti Raymundi de Peniafort . . . De poenitentia, et matrimonio* (Rome, 1603; rpt. Westmead, 1967), 463. The recent edition by Xaverio Ochoa and Aloisio Diez (Raym., *Summa*, col. 828) accidentally omits the word “animae.”

²⁶ “Quis, quid, ubi, quibus et quotiens, cur, quomodo, quando,
 [or: “Quis, quid, ubi, quibus auxiliis, cur, quomodo, quando”]

Quilibet obseruet, anime medicamina dando” (ed. Renard, *Trois sommes* 2:69; cf. *ibid.* 1:89, nos. 28–29).

²⁷ Gründel, *Umständen*, 408–12.

²⁸ See the manuscript description below. The “gloss” occasionally becomes a mere outline for a fuller (oral?) exposition, as in the notes on gluttony: “Nota quintiplex peccatum gula. Expositio prime partis. Exemplum. Expositio secunde partis. Exemplum. Expositio tercię

sacerdotem" was seen already in the mid-thirteenth century as an authoritative text worthy of being lectured on in a school suggests that it had achieved a kind of canonicity. We may presume that the original was composed before mid-century.

Internal evidence must always be used with circumspection, but the sources and doctrines of the summa would seem to be consonant with a date of composition in the 1220s. The few sources cited explicitly in the text include quotations from Scripture, and references to "Augustine" and "Origen" derived, it seems, from Peter Comestor's *Historia scholastica* (ca. 1160). The author was also familiar with the traditional liturgical rituals of penance. Other texts, not cited or even referred to by the "Cum ad sacerdotem" but in which one finds echoes, allusions, and parallels of doctrine and style, all date from the first decades of the thirteenth century. These include the synodal statutes of Odo of Sully for Paris (ca. 1204 × 1208),²⁹ the statutes of Angers (ca. 1216 × 1219),³⁰ the legatine council of Robert Courson at Paris (1212),³¹ the Penitential of Peter of Poitiers (ca. 1216), and the *De confessione* of Paul of Hungary (1219 × 1221). This last offers a number of close verbal parallels to our text, but until it receives a critical edition we will be unable to pronounce on its priority vis-à-vis the "Cum ad sacerdotem." These works would seem to constitute the textual milieu in which the summa was written. Further discoveries may require a reassessment, but at present there is no reason to date this work later than the 1220s.

One doctrinal anomaly in the text helps to confirm a date of composition early in the thirteenth century. In lines 13 to 18 of the text edited below, our author presents a rather extreme view of the doctrine of marital consent. He warns that vows of marriage made incautiously, for example, while eating and drinking in a tavern, or deceitfully, to obtain sexual favours, form a legitimate and indissoluble union between the parties. Such a teaching is, perhaps, the logical deduction from the canonical and theological doctrine that consent of the parties, not intercourse or parental *traditio*, formed a marriage. Tancred of Bologna expressed the general consensus (ca. 1215), that as soon as marital consent was expressed, in words, by signs, or even by silence, marriage was complete and binding.³² But thirteenth-century

partis . . ." (fol. 158v). The mention of "exempla" as a part of the exposition suggests a type of practical pedagogy, useful for preachers as well as confessors.

²⁹ Pontal, 5–101.

³⁰ Pontal, 105–237.

³¹ J. Mansi, ed., *Sacrorum conciliorum nova et amplissima collectio*, vol. 22 (Venice, 1778), cols. 817–54.

³² *Tancredi Summa de matrimonio*, tit. 8, ed. A. Wunderlich, (Göttingen, 1841), 12; cf. James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago,

writers were quick to distinguish between real and feigned consent, and to disallow marriage in cases such as those proposed in "Cum ad sacerdotem."³³ The doctrine of "Cum ad sacerdotem" would not be unthinkable in the 1230s and 1240s, but it fits more easily into the earlier years of the century, when the implications of consent-theory were still being worked out.

Finally, if the "Cum ad sacerdotem" was written by a Dominican and can be associated with the summa written ca. 1219–21 at Bologna by the Dominican Paul of Hungary, the absence of any clear evidence that the author knew the *Summa de penitentia* of Raymund of Peñafort, written at Barcelona, and completed by 1225 or 1226, is surprising.³⁴ Raymund's summa quickly became a standard resource, and even a school text, in the Dominican order.³⁵ Ignorance of Raymund's summa by a writer who may himself have been a Dominican is easier to explain if we postulate that he wrote before Raymund, or at least before Raymund's opus was much circulated. A date of composition before 1230 would square with this and the other evidence, and may be suggested as a reasonable hypothesis.

A *terminus a quo* for the composition of this summa is difficult to establish. If written by a Dominican friar, it should be dated after the Fourth Lateran Council in 1215. St. Dominic attended the council with Bishop Fulk of Toulouse, and soon after received papal approval to carry on the work he had begun in preaching and hearing confessions.³⁶ If it was simply adopted by the Dominicans, it might have been composed even earlier. The arguments presented above, however, lead us to believe that it was composed after 1215, and probably by a Dominican. It is just possible, indeed, that this *Summa penitentie fratrum predicatorum* represents one of the earliest guides written for the friars to direct them in the hearing of confessions.

1987), 352. For a general discussion of the consent-theory of marriage formation which triumphed in the last part of the twelfth century, see *ibid.*, 260–78, 351–55.

³³ See Raymund of Peñafort, *Summa de matrimonio*, ed. Xaverio Ochoa and Aloisio Diez, *Universa bibliotheca iuris*, vol. 1.C (Rome, 1978), col. 913: "Pone quod aliquis desponsat aliquam, non habens propositum contrahendi, sed decipiendi, ut sic possit ab ea copulam extorquere carnalem; deinde cognoscit eam carnaliter: numquid stabit hoc pro matrimonio? In hoc casu diversi diversa sentiunt. Mihi tamen videtur, salvo meliori iudicio, quod si ille non proposuit eam ducere in uxorem, nec unquam consensit in eam, non debet ex illo facto matrimonium iudicari, cum in eo substantia coniugal contractus non valeat inveniri. . . ."

³⁴ For the date of Raymund's *Summa*, see Stephan Kuttner, "Zur Entstehungsgeschichte der Summa de casibus poenitentiae des hl. Raymund von Penyafort," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 39 (1953): 419–34; Ochoa and Diez, *S. Raimundus de Pennaforte Summa de paenitentia*, pp. lxxviii–lxxxix.

³⁵ Boyle, "Notes on the Education of the *Fratres communes*," 253–57; see A. Walz, "S. Raymundi de Penyafort auctoritas in re paenitentiali," *Angelicum* 12 (1935): 346–96.

³⁶ Boyle, "Notes on the Education of the *Fratres communes*," 249–50.

If so, then the larger and more detailed summae of Paul of Hungary and Raymund of Peñafort can be seen as attempts to supplement the bare bones of this confessional handbook.³⁷

Thus far it has been possible to give cautious assent to L. E. Boyle's claim that the "Cum ad sacerdotem" was written to guide the earliest Dominican friars in hearing confessions.³⁸ Can we say, further, that it was written by the Preachers of St. Jacques in Paris? Boyle's assertion to that effect is based on a confusion of this rudimentary summa with a more elaborate work, the *Flos summarum*, which is attributed in one manuscript to the friars of St. Jacques.³⁹ The *Flos summarum* is quite a different work; it was composed in the mid-thirteenth century and has no direct bearing on the hearing of confessions.⁴⁰

Nevertheless, Paris has much to recommend it as a place of composition of the "Cum ad sacerdotem." The author shares a great many interests and doctrines with writers active in and around Paris in the early thirteenth century. Passages cited in the annotations to the edition, below, from Parisian synodal and legatine statutes, from the Synod of Angers (dependent on Parisian teachings), and from Peter of Poitiers, canon of St. Victor at Paris, reveal a community of interests if not direct dependence. But even if our author was familiar with pastoral writings from Paris and its environs, he could scarcely have been a Frenchman. When illustrating the Commandment against taking the Lord's name in vain, the author has recourse to a traditional anti-Gallic stereotype: "Inquire whether [the penitent] invokes God frequently, as do the French and certain other vile people, not knowing how to say three words without swearing" (lines 174-77).

If this is an early Dominican manual, however, it may be of little purpose to identify its place of origin. Friars who were living with St. Dominic in Toulouse in 1217 found themselves in Paris at the end of the year, in Bologna in 1218, and in Oxford, Palencia, Montpellier, and Cologne within a few more years. Mobility was of the essence for this new order, and as the

³⁷ William A. Hinnebusch suggests that Paul of Hungary composed his summa because he was "convinced that . . . cases of conscience are too numerous and varied to be handled effectively in a *vademecum*" (*The History of the Dominican Order*, vol. 2, *Intellectual and Cultural Life to 1500* [New York, 1973], 238).

³⁸ Boyle, "Notes on the Education of the *Fratres communes*," 252-53.

³⁹ "Summa supra virtutes et vicia cum confessione noviter composita a quibusdam fratribus sancti Iacobi quae dicitur *Flos summarum*" (Paris, Bibliothèque Nationale lat. 16433); see Boyle, "Notes on the Education of the *Fratres communes*," 253 n. 10, where he follows the pioneering study of Mandonnet (n. 21 above).

⁴⁰ See Renard, *Trois sommes* 1:115 n. 240.

friars travelled they took with them the tools of their trade. One such tool may have been this handy guide to the hearing of confessions.

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Before discussing the content of "Cum ad sacerdotem" we should mention one general characteristic of this and similar texts. Studies of the penitentials, the precursors of later confessional manuals, and of the manuals themselves have perhaps paid too little attention to the fact that penance or confession was a liturgical rite.⁴¹ From the ninth century major penitential writings were accompanied by rituals (*ordines*) for the granting of penance ("Ordo ad dandam penitentiam") comprising directional rubrics and prayers.⁴² These rituals were adaptations of the traditional liturgy of public penance which began on Ash Wednesday and was completed on Holy Thursday with the rite of reconciliation. This liturgy underwent a striking development, with the different traditions being brought together in the middle of the tenth century into what is known as the *Romano-Germanic Pontifical*. It served to fix the form of the liturgy and became the basic text even down to our own day.⁴³ This pontifical includes three rituals dealing with penance or

⁴¹ See Josef A. Jungmann, *Die lateinischen Bußriten in ihrer geschichtlichen Entwicklung*, Forschungen zur Geschichte des innerkirchlichen Lebens 3/4 (Innsbruck, 1932), 170–201; Allen J. Frantzen, *The Literature of Penance in Anglo-Saxon England* (New Brunswick, N.J., 1983), 94–174. Unfortunately it has been impossible to examine R. Laszcz, *Organisation de la pénitence tarifée d'après les "Ordines" des "Libri paenitentiales" jusqu'au "Corrector sive Medicus" de Burchard de Worms (1008–1012)*, Thèse 3^e cycle, Sciences religieuses, Faculté de théologie catholique, 2 vols. (Strasbourg, 1971).

⁴² For example: Halitgar of Cambrai, *De vitiis et virtutibus et de ordine poenitentium*, book 6 (S 2:290–94; for Halitgar, see Raymund Kottje, *Die Bußbücher Halitgars von Cambrai und des Hrabanus Maurus: Ihre Überlieferung und ihre Quellen*, Beiträge zur Geschichte und Quellenkunde des Mittelalters 8 [Berlin, New York, 1980]); *Bede-Egbert Double Penitential* (this text is called *Penitential of Pseudo-Bede* by F. W. H. Wasserschleben, whose edition, *Die Bussordnungen der abendländischen Kirche* [Halle, 1851; rpt. Graz, 1958], 250–57, provides complete transcriptions of the liturgical texts); *Vallicellian Penitential I* (Schmitz) (S 1:239–43, 339–42; for the use of liturgical texts in this penitential, see Günter Hägele, *Das Paenitentiale Vallicellianum I: Ein oberitalienischer Zweig der frühmittelalterlichen kontinentalen Bußbücher. Überlieferung, Verbreitung und Quellen*, Quellen und Forschungen zum Recht im Mittelalter 3 [Sigmaringen, 1984], 31–33, 82–84); Burchard of Worms, *Decretum* 19.1–4 (PL 140:949–51; see edition in S 2:407–9); *Vallicellian Penitential II* (Wasserschleben) (in Wasserschleben, *Die Bussordnungen*, 551–57; collection dated to the end of the eleventh century, manuscript to the beginning of the twelfth century; see Pierre J. Payer, *Sex and the Penitentials: The Development of a Sexual Code, 550–1150* [Toronto, 1984], 17 and 160 n. 48).

⁴³ Speaking of the pontifical compiled about 950 the editors note, "c'est le Pontifical romano-germanique, qui est à l'origine du pontificale et du rituale en usage jusqu'en 1961" (*RGP*, ed. Vogel and Elze 3:5; see the chronological stemma of the development of the pontifical at 3:57).

confession, the two components of the rite of public penance (occurring on Ash Wednesday and Holy Thursday), and a rite of private penance.⁴⁴

It is difficult to know how these rituals were used, but it must be the case that the rite of private penance could not have been used as is if people actually went to confession. It is simply far too lengthy. It is more likely that the formal rite served as a model whose essential components were adapted and streamlined to the confessional situation. This is suggested by the different forms of ritual attached to the older penitential manuals. If we assume an increase in the number of people honouring the annual requirement to confess after Lateran IV in 1215, the need for adaptation would have been even stronger. Such is apparent in the formulary "Notus in Iudea," attributed to Robert Grosseteste, which concludes with a vernacular confession ("Confiteor") followed by a short invocation from the Ash Wednesday rite and absolution.⁴⁵ This type of adaptation is also apparent in a thirteenth-century (?) ritual for private penance, parallels to which will be noted in the *apparatus fontium*.⁴⁶ "Cum ad sacerdotem" should be seen in this liturgical context in terms of its overall structure and in terms of many of its individual components.

The summa "Cum ad sacerdotem" falls into three distinct parts corresponding to discrete stages of confession: (1) the reception of the penitent

⁴⁴ "Ordo. Feria quarta in capite ieiunii" (*RGP* XCIX.44–73 [ed. Vogel and Elze 2:14–21]); "Feria quinta maioris hebdomadae" (*RGP* XCIX.224–51 [ed. Vogel and Elze 2:59–67]); "Qualiter sacerdotes suscipere debeant poenitentes more solito" (*RGP* CXXXVI.1–38 [ed. Vogel and Elze 2:234–45]; the editors note that this is the ordo "de la pénitence privée sacramentelle" [ibid. 2:234, emphasis in original]).

⁴⁵ Goering and Mantello, eds., "Notus in Iudea," 272, no. 26, "Misereatur tui" (prayer following the "Confiteor" in the Ash Wednesday rite of public penance, *RGP* XCIX.51 [ed. Vogel and Elze 2:17]); p. 272, no. 27, "Indulgentiam et remissionem," a frequently encountered formula for absolution; see Jungmann, *Die lateinischen Bußriten*, 218–19. The antiquity of this sort of conclusion is shown by the *Arundel Penitential*, which directs that the confession be concluded with a vernacular *confiteor* and the same two liturgical formulas encountered in "Notus in Iudea": "Tunc projiciat poenitens se in terram ante pedes sacerdotis et dicat ita si clericus est, si vero laicus est in propria lingua hoc idem doceatur a sacerdote dicere: 'Multa sunt Domine peccata mea, quae in cogitatione, in locutione, in opere contra voluntatem creatoris et redemptoris mei feci. Sacerdos: Misereatur tui omnipotens Deus etc. Indulgentiam et remissionem peccatorum etc.'" (S 1:465). On this penitential, see F. Liebermann, "Zum Poenitentiale Arundel," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 15 (1926): 531–32.

⁴⁶ *Ordo ad dandam poenitentiam* (S 1:98–100). The manuscripts (Vatican City, Biblioteca Apostolica Vaticana Vat. lat. 1152, 4745, 4747, 4748A, 4748B) are variously dated by Schmitz (S 1:97) but are all dated by Andrieu to the fourteenth century; see Michel Andrieu, *Le Pontifical Romain au moyen-âge: 2. Le Pontifical de la Curie romaine au XIII^e siècle*, Studi e testi 87 (Vatican, 1940): Vat. lat. 1152 (p. 130), Vat. lat. 4745 (p. 156), Vat. lat. 4747 (p. 160), Vat. lat. 4748A (p. 168), Vat. lat. 4748B (p. 175).

(lines 2–57); (2) the central interrogatory (lines 58–238); (3) imposition of penance and absolution (lines 239–79).

Upon receiving the penitent, the confessor is first directed to talk with him in order to gain information about his place of origin and whether he is a cleric or a lay person. The first is necessary because of the traditional requirement to confess to one's own priest, that is, the priest under whose jurisdiction one is living, or to confess to another with the permission of one's own priest.⁴⁷ This section, as the text suggests (lines 20–23), is to provide an opportunity for the priest to assess the status and condition of the penitent in order to know the kinds of sins the penitent is capable of and the degree of penance he can sustain.⁴⁸ This approach differs from the older tradition which seems to have been concerned with obtaining information about the status and condition of the penitent exclusively in view of the ability to sustain penances. Consequently, questions about such matters are usually found in proximity to the imposition of penance.⁴⁹ There follows encouragement to make a full and integral confession, trusting in the mercy of God, who, in a text reminiscent of Ezechiel 33:11, is said to desire not the death of the sinner but that the sinner might be converted and live.⁵⁰ The penitent should feel free to say whatever he wants.

The understanding is that at this point the penitent would confess his sins. Instructions are provided for this in regard to how the confessor should conduct himself during the confession and how he should help the penitent if he is seen to falter.⁵¹

⁴⁷ See note in P. of Poitiers, *Summa de conf.*, 62 (note to lines 3/5); Synod of Angers, 75 (Pontal, 190); Robert of Flamborough, *Canon-Penitentiary of Saint-Victor at Paris, Liber poenitentialis*, ed. J. J. Francis Firth, Studies and Texts 18 (Toronto, 1971), 57: "De ovili nostro es an non?"

⁴⁸ See also lines 146–47, 228–30 of the edition below.

⁴⁹ *RGP CXXXVI.14* (ed. Vogel and Elze 2:240): "Deinde interroga eum, quale ministerium faciat, si est comes, aut castalidus." See *RGP CXXXVI.17* (ed. Vogel and Elze 2:241); *Ordo ad dandam poenitentiam* (S 1:99).

⁵⁰ "Dic ad eos: Vivo ego, dicit Dominus Deus, nolo mortem impii, sed ut convertatur impius a via sua, et vivat" (Ez 33:11); see 1 Tim 2:4 ("... qui omnes homines vult salvos fieri, et ad agnitionem veritatis venire"). These texts are echoed in a prayer often encountered at the beginning of the ritual of penance. The prayer begins, "Domine Deus omnipotens, propitius esto michi peccatori, ut condigne possim. . . ." See Jungmann, *Die lateinischen Bußriten*, 145. See also *RGP CXXXVI.3* (ed. Vogel and Elze 2:235): "Ideoque, dominator domine, qui omnes homines vis salvos fieri, et ad agnitionem veritatis venire, qui non vis mortem peccatorum, sed ut convertantur et vivant. . . ."; *Ordo ad dandam poenitentiam* (S 1:98).

⁵¹ The rite of public penance provides for a dialogue between the confessor and the penitent, "Deinde iubeat eum sacerdos sedere contra se et colloqui cum eo de suprascriptis vitiis sive exhortationibus. . . ." (*RGP XCIX.46* [ed. Vogel and Elze 2:15]; there is nothing in the ritual corresponding to the expression "de suprascriptis vitiis": it is a remnant of the original source retained by the compiler). See Thomas of Chobham's psychologically

The second part of the summa comprises a lengthy interrogatory offering guidance in the questions to ask the penitent. It should be noted that these questions are not offered as a requirement; rather, they are a resource available to the confessor. The penitent has already confessed his sins. The summa continues, "Postquam autem peccator omnia que etiam potest reducere ad memoriam confessus fuerit, si uideret eum sacerdos imperfecte et insufficienter dixisse, poterit defectum eius supplere et de reliquis inquirere" (lines 58–60).

The ancient penitential canons were initially formulated as conditionals ("Si quis . . ."), but gradually they came to be formulated as questions. The most striking and influential example of such questions is the interrogatory in the *Decretum* of Burchard of Worms (bk. 19, chap. 5). Even before Burchard, a formal interrogatory is found within the rite of private penance itself.⁵² While simple common sense would lead one to assume that no one could be expected to run through Burchard's questions, it is not so clear for the questions in the rite of private penance which are introduced with "Tunc fac eum confiteri omnia peccata sua ita dicendo."⁵³ It leaves the impression that the confession is made through the vehicle of questions, in this case a standard set of questions followed by suggestions of other areas to be explored.

In the thirteenth century the legitimacy of questioning the penitent was explicitly discussed, apparently against the background of the denial of its legitimacy. Raymund of Peñafort begins the treatment of questioning in the confessional by asking whether it ought to be made at all, noting that some say it ought not.⁵⁴ The elusive "some" (*quidam*) might well be taken as a literary device to introduce a scholastic question whose solution would provide an opportunity to point out the value of questioning penitents. It seems, however, that some opposition was being voiced to the asking of questions in confession, perhaps as part of the efforts to free the institution from traditions inherited from the old penitentials. Robert Grosseteste complains that many refuse to ask questions because they fear they will teach penitents ways of sinning they had not been aware of before the questioning. Those who make this claim, he says, do not understand the

insightful account of the need for breaking the ice, as it were, before the penitent actually confesses his sins (T. of Chobham, *Summa conf.*, 263–65, 326–28).

⁵² See *RGP CXXXVI.13* (ed. Vogel and Elze 2:237–40).

⁵³ *RGP CXXXVI.13* (ed. Vogel and Elze 2:237).

⁵⁴ "Sequitur utrum sint faciendae interrogationes in confessione a sacerdote, et de quibus, et qualiter. Ad primum, licet quidam dicant quod sacerdos non debet interrogare paenitentem, quia tamen talis sententia videtur mihi plena periculo propter simplicitatem et verecundiam hominum, credo contrariam, scilicet, quod debet facere interrogationes" (Raym., *Summa* 3.34.30, col. 828).

proper function of and approach to questioning.⁵⁵ Robert of Sorbonne says that a great cleric, basing himself on a moral interpretation of Deuteronomy (24:10–11), preached in Paris that the confessor ought not to inquire into or to scrutinize penitents' sins. Robert dismisses this, claiming that the biblical text was misinterpreted. The confessor ought to inquire in general but not too specifically. After all, just as a neighbour ought to be told of robbers in his house who are ready to kill him, so the confessor ought to enter the conscience of the confessant to route the deadly sins.⁵⁶

Perhaps a great cleric did preach such a view at Paris. It is interesting to note that William of Auvergne, bishop of Paris from 1228 to 1249, used the same text of Deuteronomy in a discussion of confession, not to deny the value of the interrogatory but to support the view that it is better for the penitent first to make his spontaneous confession than to have it extracted from him through questioning. William adds that an interrogation should follow if need be. One has to wonder whether Robert had this text in mind when he mentioned the great Parisian cleric.⁵⁷

The rule seems to have been that the penitent was to make a spontaneous oral confession, and afterwards questioning would not necessarily follow, but would follow if necessary. The prudent and understanding priest should know the difference. "Cum ad sacerdotem" is of the same opinion.

The central section of the manual presents material to aid the confessor in questioning the penitent. There are three clearly articulated sets of questions from the point of view of the seven capital sins (lines 60–168), the Ten Commandments (lines 169–213), and the five senses (lines 214–27). Within the framework of the treatment of sins of lechery (*luxuria*) the author inserts a summary treatment of circumstances (lines 130–62). The interrogatory part of the manual concludes with other topics for questioning, such as professional duties (228–30), and sins respecting the external body and the interior thoughts and desires of the penitent (lines 231–38). Later, in the third part, as an afterthought, the confessor is reminded to inquire whether the penitent had sinned through the omission of good deeds (lines 261–64).

⁵⁵ Siegfried Wenzel, ed., "Robert Grosseteste's Treatise on Confession, 'Deus est,'" *Franciscan Studies* 30 (1970): 247–48.

⁵⁶ Robert of Sorbonne, "Cum repetes a proximo tuo . . ." (Deut 24:10–11). Ex hac autoritate magnus Clericus praedicavit Parisius" (among the works of William of Auvergne, *Opera omnia* [Paris, 1674; rpt. Frankfurt a. M., 1963], vol. 2, Supplement, 233).

⁵⁷ William of Auvergne, "Convertimini ad me in toto corde vestro . . ." (Joel 2:12). Non est mirum" (*Opera omnia*, vol. 2, Supplement, 244). See the text cited by Teetaert, "Cum repetes a proximo tuo . . . Deuteron. XXIII [XXIV, 10–11]. In qua quidem auctoritate patet manifeste quod confessor potest querere peccata in generali" ("Quelques 'Summae de paenitentia' anonymes," 332).

The first and lengthiest set of questions in "Cum ad sacerdotem" covers the capital sins (*superbia, invidia, ira, accidia, auaritia, gula, luxuria*). Here the manual is in line with contemporary practice, incorporating one of the most ancient components of the penitential tradition.⁵⁸

From their inception handbooks of penance (penitentials) were influenced by the literature of the capital sins. Up to the tenth century the capital sins often provided the structure for the organization of penitentials. In addition to their being organized around the capital sins some handbooks also included instructional material about the capital sins (e.g., definitions, divisions, offspring or consequences of the sins).⁵⁹

Regino of Prüm (ca. 906) formalized the relation between penance and the capital sins by incorporating into a ritual of penance a stage at which the confessor is directed to explain to the penitent the capital sins and their effects: "Now I will explain to you the eight principal vices, that is, pride, vainglory, envy, anger, sadness, avarice, gluttony, lechery."⁶⁰ Regino's contribution was assured permanent and widespread success through the use made of it by Burchard of Worms (ca. 1008) in his influential treatise on penance.⁶¹

The new manuals of penance which began to appear in the late twelfth century continued to use the capital sins as a principle of overall organization and also as the point of departure for questioning the penitent. In fact, Robert of Flamborough complains that failure to follow the order of the capital sins in questioning penitents was a cause of confusion in hearing confessions.⁶²

⁵⁸ See the elaborate treatment of the capital sins in the early thirteenth-century *De modo confitendi et paenitentias iniungendi* attributed to Robert Grosseteste (ed. Goering and Mantello, "The Early Penitential Writings of Robert Grosseteste," 82–91).

⁵⁹ *Penitential of Cummean* (s. vii), ed. and trans. Ludwig Bieler, *The Irish Penitentials*, *Scriptores Latini Hiberniae* 5 (Dublin, 1963; rpt. 1975), 108–25; *Bigotian Penitential* (s. viii/ix), ed. and trans. Ludwig Bieler, *The Irish Penitentials*, 206–9 (instructional material), 214–39 (penitential canons). The first book of the ninth-century work of Halitgar of Cambrai (*De vitiis et virtutibus et de ordine poenitentium*) deals with the capital sins and their remedies (PL 105:657–70). See the description of the vices in the *Penitential of Pseudo-Theodore* (s. ix ex.) (Wasserschleben, *Die Bussordnungen*, 571–73).

⁶⁰ "Nunc tibi octo pricipalia vitia explicabo . . ." (Regino of Prüm, *De synodalibus causis et disciplinis ecclesiasticis* 1.304, ed. F. W. H. Wasserschleben [Leipzig, 1840; rpt. Graz, 1964], 146–47). This is reminiscent of a passage in the eighth-century *Penitential of Egbert*, chap. 1, "Nunc igitur capitalia crimina secundum canones explicabo" (Wasserschleben, *Die Bussordnungen*, 233). The tradition of the *eight* capital sins in the Latin West originated with John Cassian (*Institutes* 5.1 [CSEL 17:81]; *Conferences* 5.2 [CSEL 13:121]). The tradition of *seven* capital sins stems from Gregory the Great (*Moralia in Iob* 31.45.87 [PL 76:621A; CCL 143B:1610]). The Gregorian account became the standard one from the twelfth century.

⁶¹ Burchard, *Decretum* 19.6 (PL 140:976–77).

⁶² *Liber poenitentialis* 1.9 (ed. Firth, 62).

With the development of penitential manuals in the thirteenth century, additional referents were used to guide the questioning such as the Ten Commandments and the five senses as is demonstrated in "Cum ad sacerdotem." But the capital sins continued to play an important role in this regard.⁶³ "Cum ad sacerdotem" has followed no single model for its definitions and divisions of the capital sins. References in the *apparatus fontium*, below, to Gratian, the Synod of Angers, Paul of Hungary, et al., indicate the common milieu and some of the possible influences on "Cum ad sacerdotem."

Confessions of sins against the Ten Commandments are rare in the early years of the thirteenth century. Thomas of Chobham provides a brief account of the Commandments, and the "Notus in Iudea Deus" places on the lips of the penitent an acknowledgment that he had sinned against the Commandments.⁶⁴ One of the brief formularies for confessors edited by Michaud-Quantin mentions the Ten Commandments as a possible line of questioning.⁶⁵ Only later in the century does one encounter detailed interrogatories organized around the Ten Commandments.⁶⁶

If "Cum ad sacerdotem" antedates William of Auvergne and Robert of Sorbonne, then it is one of the earliest witnesses to an organized set of questions dealing with the Commandments in a confessional context. The interrogatory around the Commandments appears to be original. Mention of Augustine and Origen in connection with the ninth and tenth Commandments (lines 208, 211) suggests that it was composed with an eye to the *Historia scholastica* of Peter Comestor.⁶⁷

Like the Commandments, the five senses are absent from the penitential interrogatories before the thirteenth century. Questions concerning the senses first appeared early in that century. The very popular poem "Peniteas cito"

⁶³ See Joseph Goering, "The *Summa* of Master Serlo and Thirteenth-Century Penitential Literature," *Mediaeval Studies* 40 (1978): 300-301. Later the Commandments tended to supplant the capital sins as the point of departure for interrogatories. Antoninus of Florence (d. 1459) provides three sets of questions: around the Commandments (95v-123v), capital sins (123v-151v), states of life (152r-225v); see *Summa confessionalis* (Venice, 1584). Angelus de Clavasio (d. 1495) integrates the capital sins into the overall structure around the Ten Commandments; see *Summa angelica* (Nuremberg, 1488), s.v. "Interrogationes" (148ra-156rb).

⁶⁴ T. of Chobham, *Summa conf.*, 27-37; Robert Grosseteste, "Notus in Iudea" (ed. Goering and Mantello, 272).

⁶⁵ Michaud-Quantin, "Deux formularies," 62.

⁶⁶ See, for example, William of Auvergne, "Convertimini ad me in toto corde. . . ." Non est mirum," *Opera omnia* 2, Supplement, 245; Robert of Sorbonne, "Ad sanctam et rectam confessionem," *Maxima bibliotheca veterum patrum*, ed. Margarinus de la Bigne, 27 vols. (Lyons, 1677), 25:353. See also Robert of Sorbonne, *De conscientia*, in Félix Chabon, ed., *Robert de Sorbon De conscientia et De tribus dietis* (Paris, 1902), 32.

⁶⁷ See Peter Comestor, *Historia scholastica*, Exodus, chap. 40 (PL 198:1164-66).

(before 1213) may have helped stimulate this type of questioning. It recommends that the penitent "scrutinize the stages of life, senses, places, times, and bodily members" in order to make a full confession.⁶⁸ The word "senses" is glossed: "Quomodo per gustum, uel illicita uerba, uel per tactum, uisum, auditum, uel odoratum peccauerit."⁶⁹ Both of the formularies edited by Michaud-Quantin recommend questions concerning the five senses.⁷⁰ The "Perambulauit Iudas" provides detailed accounts of sins that can arise through each sense.⁷¹

Whereas there had been no liturgical precedent for the confession of sins against the Ten Commandments, there was a tradition within the liturgy of penance to confess sins committed through the five senses, and explicit mention of such sins had been integral to versions of the "Confiteor" for centuries. In the rite of public penance for Ash Wednesday there is a formal "Confiteor" which has the penitent confessing sins that were committed, "in visu, auditu, gustu, odoratu et tactu luxurioso et immundo."⁷² The confession of sins through the senses was not restricted to the "Confiteor" in the formal rite of public penance but was included in many early forms of the "Confiteor."⁷³ The detailed treatment of the five senses in thirteenth-century confessional manuals may very well be a development of the explicit enumeration of the bodily senses found both in informal and in liturgical

⁶⁸ "Scrutans etates, sensus, loca, tempora, membra." The poem is printed under the name of Peter of Blois in PL 207:1153–56, where this line reads, "Servans aetates. . . ." A critical edition of the poem and its original gloss is found in Goering, *William de Montibus*, 107–38.

⁶⁹ See Goering, *William de Montibus*, 119. The original gloss has never before been printed, although most of the sixty or more incunabula printings contain later medieval glosses. See Thomas N. Tentler, *Sin and Confession on the Eve of the Reformation* (Princeton, 1977), 47–48, and passim.

⁷⁰ Michaud-Quantin "Deux formulaires", 56–57, 62.

⁷¹ "The 'Perambulauit Iudas . . .'" (ed. Goering and Mantello, 148–54 and 135–36 n. 27; the work is dated 1200 × 1230); for a later work, see "Notus in Iudea Deus" (ed. Goering and Mantello, 270–72; dated to the years of Grosseteste's episcopacy, 1235 × 1253).

⁷² RGP XCIX.50a (ed. Vogel and Elze 2:17). On this "Confiteor," see Michel Andrieu, *Les "Ordines Romani" du haut moyen âge: 5. Les textes (suite)*, Spicilegium sacrum Lovaniense. Études et documents 29 (Louvain, 1961), 111–12 n. 11; Jungmann, *Die lateinischen Bußriten*, 163–64 n. 145, 177–78 n. 36.

⁷³ See *De psalmodum usu* 2.9 (PL 101:500); "Confessio peccatorum pura" (PL 101:524D); for a "Confiteor" to be said in private, see *Iudicium poenitentis* (PL 138:990A); on a manuscript containing this work, see Michel Andrieu, *Les "Ordines Romani" du haut moyen âge: 1. Les manuscrits*, Spicilegium sacrum Lovaniense. Études et documents 11 [Louvain, 1931], 409; *Vallicellian Penitential II* (Wasserschleben, *Die Bussordnungen*, 555). A very early account of temptations which can arise from the five senses may be seen in Julianus Pomerius (d. ca. 500), *De vita contemplativa* 3.6.2–4 (PL 59:481–82). Reference to this work is not as farfetched as it might seem. The *De vita contemplativa*, incorrectly attributed to Prosper of Aquitaine, had a considerable influence on Halitgar of Cambrai's work on penance and confession; see Kottje, *Die Bußbücher Halitgars von Cambrai und des Hrabanus Maurus*, 175–81.

versions of the "Confiteor." The treatment in "Cum ad sacerdotem" is an early example of an interrogatory structured around the five senses.

Aside from some remarks about questioning in regard to sins of omission (lines 261–64) and a note in verse about marital sexual offences (lines 266–69) which fits more appropriately into the interrogatory section, the work concludes with instructions on the imposition of penance, general confession, and absolution. This final section closely follows the conclusion for the rite of private penance. The priest is to remind the penitent of the gravity of the sins that were confessed and of the mercy of God and to assure himself of the penitent's resolve not to return to those sins or other mortal sins (lines 239–43).⁷⁴

God takes away the sins but the penitent is still required to bear temporal punishment for his sins. It is for this reason that penances are imposed by the confessor.⁷⁵ While acknowledging the canonical requirement ("secundum canones") of seven years penance for each mortal sin, the author of "Cum ad sacerdotem" takes the view that penances are to be imposed according to the discretion of the confessor and the wishes and ability of the penitent. Although this reflects a common view in the thirteenth century about discretionary penances (*penitentiae arbitrarie*) it is not far removed from the tenth-century liturgical directive, "Omnia considera et secundum quod possunt, impone poenitentiam."⁷⁶ The usual reasons advanced by medieval authors to justify discretionary penances were that the older penances were suited to a more robust age, the circumstances of the penitent required them, or the canons fail to cover every sin confessed in the confessional. The author of "Cum ad sacerdotem" invokes none of these reasons but seems to understand the canonical provision to apply to the public forum where notorious sins are judged and public or solemn penance

⁷⁴ See *RGP CXXXVI.18* (ed. Vogel and Elze 2:241): "Sed antequam imponas poenitentiam, debes ostendere, quam grande est illud malum et quot annis debet poenitere. Debes tamen ammonere, ut non desperet, quia Deus misericors est et ei omnia peccata dimittit, tantum si emendaverit"; cf. Statutes of Paris, 32 (Pontal, 64). The mention of the purpose of amendment in the *Romano-Germanic Pontifical* is clear evidence against Pontal (65 n. 1), who claims the synodal requirement of a proposal to amend is an "idée moderne"; "... une idée qui n'avait pas jusqu'alors paru avoir cours" (Pontal, p. LXXVI).

⁷⁵ See Thomas of Chobham: "Unde sicut de magna misericordia remittit reatum et culpam, ita de magna iustitia exigit satisfactionem. Et ex magna misericordia est quod penam eternam commutat in temporalem" (T. of Chobham, *Summa conf.*, 9).

⁷⁶ *RGP CXXXVI.17* (ed. Vogel and Elze 2:241). The canonical reference in "Cum ad sacerdotem" is likely to Gratian, *Decretum* C. 33.2.11 and d.p.; and see *Ordinary Gloss* to Gratian, *Decretum* C. 33.2.11 d.p., ad v. *excellencia*; *Ordinary Gloss* to Gratian, *Decretum*, *De penit.*, D. 1.86, ad v. *in arbitrio*. See Synod of Paris, 33 (Pontal, 64); P. of Hungary, *De conf.*, p. 197; *Ordo ad dandam poenitentiam* (S 1:99). On the question of discretionary penances, see Pierre J. Payer, "The Humanism of the Penitentials and the Continuity of the Penitential Tradition," *Mediaeval Studies* 46 (1984): 346–50.

is imposed. Since the confessor is operating in the internal forum of private confession, he is permitted to use his discretion.⁷⁷

When possible, the penance is to correspond to the fault committed, using the traditional means of satisfaction: fasts, prayers, bodily punishments (*disciplinae*), and alms. The mention of a peace pact (*uotum pacis*) may harken to a preliminary requirement in the rite of private penance that before confession the penitent is to be reconciled with those with whom he is angry.⁷⁸

The confessor is reminded that one and the same remedy (*medela*) is not to be used for every sin. While this counsel is reminiscent of the ancient advice not to weigh all sins in the same scales,⁷⁹ here the concern is quite specific. The confessor is not to use the imposition of penance as an opportunity for monetary gain by imposing masses for every sin. The manual does not mention the stipulation of the Synod of Angers that if masses are imposed they are not to be said by the confessor who imposes them. In this way the motive of monetary gain would be blunted.⁸⁰

The penitent is then instructed to make a general confession which is to be followed by absolution by the priest. Prior to these instructions cases of sins reserved to bishops and to the pope are mentioned in verse form (lines 270–75). In such cases the ordinary confessor would lack jurisdiction and so would be powerless to absolve the penitent without first sending him to the bishop. It is likely that the general confession mentioned in "Cum ad sacerdotem" should be understood to be the vernacular confession mentioned in the rite of private penance, "Deinde fiat confessio peccatorum rusticis verbis."⁸¹ This all-embracing confession is meant to cover the multitude of minor sins that one could scarcely ever enumerate, and to

⁷⁷ This reasoning is not encountered in manuals contemporaneous with "Cum ad sacerdotem," but see in an anachronistic fifteenth-century work, "Si autem peccatum est aut fuit occultum, tunc imponitur ei penitentia arbitraria" (*Poenitentialia Civitatense*, 147 [Wasserschleben, *Die Bussordnungen*, 704]).

⁷⁸ *RGP CXXXVI.7* (ed. Vogel and Elze 2:235–36). See *Ordo ad dandam poenitentiam* (S 1:99).

⁷⁹ See *Penitential of Cummean*, Epilogue 2 (ed. and trans. Bieler, *The Irish Penitentials*, 133); *Penitential of Egbert*, Prologue, "Non omnibus ergo in una eademque libra pensandum est" (ed. Wasserschleben, *Die Bussordnungen*, 232); "Non omnibus vero una eademque discretio sit . . ." (*RGP XCIX.48* [ed. Vogel and Elze 2:15]); T. of Chobham, *Summa conf.*, 231.

⁸⁰ See Synod of Angers, 77 (Pontal, 192).

⁸¹ *RGP CXXXVI.23* (ed. Vogel and Elze 2:242). See an Old German "Confiteor" in *Iudicium poenitentis* (PL 138:990; for the manuscript, see Andrieu, *Les "Ordines Romani"* 1:409); *Arundel Penitential*, "si vero laicus est in propria lingua" (S 1:465); Michaud-Quantin, "Un manuel de confession archaïque," 54; Robert Grosseteste, "Confessio autem facienda est gallice vel ydiomate magis noto" ("Notus in Iudea Deus," ed. Goering and Mantello, 272, no. 25).

safeguard the penitent against lapses of memory concerning grave sins, which, if unconfessed, would endanger the soul.⁸²

Finally, the priest is to absolve the penitent. In none of the manuscripts used for our edition is there an explicit formal absolution recorded, just as there is none in the rite of private penance, although many of the concluding prayers in the latter are suggestive of absolution. In the version of "Cum ad sacerdotem" in the manuscripts of the Bibliothèque Mazarine, however, the following formula is appended: "In fine fiat confessio generalis et a confessore detur absolutio sic: Absolvo te de omnibus peccatis mihi confessis et ab omni excommunicatione, si qua ligatus es auctoritate dei et sui ministri mihi concessa, in nomine patris et filii et spiritus sancti, amen."⁸³

The value of this brief formulary to the friars and others who used it lies in its commonplace approach to the sacrament of private penance. Tied closely to the familiar forms and phrases of the liturgy, it provided the confessor with a simple yet up-to-date guide to the hearing of confessions. Small enough to be memorized and to be written on a single parchment sheet, it was circulated widely during the thirteenth and subsequent centuries. For the historian it provides a rare and valuable opportunity to consider elements of the actual practice of confession that are taken for granted, and thus ignored, in the larger and more erudite *summae de penitentia*.

PRINCIPLES OF THE EDITION

The text of "Cum ad sacerdotem," like many similar medieval texts, was treated as common rather than "authorial" property; it was glossed, expanded, excerpted, and altered by scribes to meet their various needs and interests. An attempt to recreate, by the principles of textual criticism, the original text as written by its author meets insuperable difficulties. Nevertheless, it is our goal to present, if not the *ipsissima uerba* of the original author, at least the essential core of his work. This goal is best achieved, in editing texts such as ours, by selecting a single "base text," emending it only when necessary, and reporting the readings of other witnesses in an *apparatus criticus*.

To this end we have studied the surviving copies of "Cum ad sacerdotem" and chosen ten for full collation in this edition.⁸⁴ Each of the ten copies

⁸² See Gerald of Wales, *Gemma ecclesiastica*, ed. J. S. Brewer, *Rerum Britannicarum medii aevi scriptores* 21 (London, 1862; rpt. Nendeln, 1964), D. 1, chap. 37, "De generali confessione, quid prosit, et quis sit eius effectus," 111–13.

⁸³ Teetaert, "Quelques 'Summae de paenitentia' anonymes," 332. See *RGP CXXXVI.25* (ed. Vogel and Elze 2:243); Andrieu, *Les "Ordines Romani"* 5:376; *Ordo ad dandam poenitentiam* (S 1:100).

⁸⁴ Those chosen for collation include the five earliest copies (*B*, *D*, *G*, *N*, and *S*, in

has distinctive readings, errors, and omissions; none is the parent of another. Manuscripts *ABGKNTV* share many readings and form a broad family of texts. The manuscripts of this group combine with each other in a number of permutations; none stands out as a particularly accurate or reliable witness to the main textual tradition. *D* and *S* and the late manuscript *P* form another group. They share many readings and, in several difficult passages, provide the best clues as to the original text.⁸⁵ *DPS* often agree in good readings with various manuscripts from the first group, whereas none of those manuscripts agrees consistently with *D*, *P*, or *S*.

The choice of a base text for the edition from among *DPS* is not difficult. The earliest copy, *S*, is incomplete as a result of the loss of several leaves at the end of a gathering. The latest copy, *P*, introduces many idiosyncratic changes in word order and modes of expression. *D*, however, contains an early, complete, and relatively careful copy of the text. Moreover, the copy of "Cum ad sacerdotem" in *D* recommends itself because of its authoritative inscription: "Summa of penance of the Preaching Friars." It may be several stages removed from the original text, but it preserves, at least, a form of the work as it circulated among the Dominican friars at the end of the thirteenth century.

The text printed below is that of *D*. The orthography of the manuscript has been retained except that assimilated *ci/ti* is transcribed here as *ti*, and the inconsistent use of *u/v* is regularized to read *u* in the lowercase and *V* in the uppercase. Punctuation, capitalization, and paragraph divisions are the editors'. The readings of *D* have been preferred and allowed to stand unless they are unintelligible or they obscure the clear meaning of the text.⁸⁶ A few readings are supplied from other witnesses when the text of *D* seems to require them.⁸⁷ Emendations are introduced into the text of *D* according to the following conventions:

the list below and in the Appendix), and five others (*A*, *K*, *P*, *T*, and *V*). *K* (= Klagenfurt) and *V* (= Vatican) were subsequently eliminated because their readings were adequately represented in the other copies. Manuscript copies excluded from the collation include those that have a great number of idiosyncratic readings or major omissions, and those in which "Cum ad sacerdotem" is only one of several texts woven together into a "new" work. The copies in Bamberg 106 and 108, Erlangen 548, Munich 11887, Trier 763/312, and Vienna 4659 became available too late for inclusion in the collation, but their readings are adequately represented by the witnesses reported in the text and apparatus of the edition; we have been unable to examine the copies in Göttweig 202, Lyon 784, and Windsheim 62.

⁸⁵ For example, lines 90–98, concerning gluttony, and lines 133–58, listing and expounding the circumstances of sins.

⁸⁶ E.g., line 44 <altius> for *D*'s "alius."

⁸⁷ E.g., line 231 <de homine exteriore> is clearly implied by *D*'s "uidelicet" and by lines 235–36: "Vel circa interiorem hominem."

< . . > = words or letters omitted by *D*.

[. .] = words or letters in *D* that should be omitted.

We have sought to present in this edition an accurate and readable version of the “Cum ad sacerdotem” as preserved in *D*. We report in an *apparatus criticus* the variant readings of *ABGNPST* that contain either a possible improvement of the base manuscript or a significant alternative. Emendations to *D* are clearly marked in the text and the readings of all the manuscripts at that place are reported in the critical apparatus, keyed to the text by line numbers. Except in cases of emendation, the apparatus is negative; the lemma (followed by a square bracket: *]*) is the reading of all the manuscripts running at the time except those reported in the variants that follow. For example, “sacerdoti] sacerdos *AGNP*: *om. S*” in line 4 indicates that *BDT* read “sacerdoti,” *AGNP* read “sacerdos,” and *S* omits the word entirely. Some of the variant readings may be closer to the lost original; all can be read as legitimate efforts by medieval readers to understand and interpret (at a distance) the original text.

The following sigla are used in the *apparatus fontium*:

A = London, British Library Arundel 406, fols. 17r–20v

B = Berlin, Staatsbibliothek Preußischer Kulturbesitz 152, fols. 93va–95ra

D = Dublin, Trinity College 326, fols. 28rb–31vb

G = Gloucester, Cathedral Library 27, fols. 21v–22v

N = Paris, Bibliothèque Nationale lat. 3479, fols. 1ra–2ra

P = Paris, Bibliothèque Nationale lat. 3265A, fols. 18r–21r

S = Toulouse, Bibliothèque Municipale 340, fols. 255r–269v

T = Trier, Stadtbibliothek 691/253, fols. 274va–279vb

An *apparatus fontium* identifies the sources explicitly cited in “Cum ad sacerdotem.” It also draws attention to parallel passages in other works not cited by the author, and perhaps unknown to him. The intent of these identifications is to situate the work within its proper textual milieu. Reference is made in a systematic way to the liturgy of penance found in the *Romano-Germanic Pontifical* and to a ritual of private penance (*Ordo ad dandam poenitentiam*), found in several fourteenth-century manuscripts, which adapts the pontifical to the practice of the thirteenth century. The statutes of the Synod of Paris (ca. 1204–8) and the Synod of Angers (ca. 1216–19) are cited when the parallels seem close enough to warrant. Finally, in a more arbitrary manner, reference is made to other confessional works which are contemporaneous with “Cum ad sacerdotem.”

Incipit summa penitentie fratrum predicatorum.

Cum ad sacerdotem pro peccatis confitendis peccator accesserit, dicat sacerdos, "Dominus uobiscum." Respondeat peccator, "Amen." Tunc si confitens ignotus est sacerdoti, dicat ei, "Frater unde es tu oriundus?" Et post-
 5 modum subiungat, "Es tu clericus uel laicus?" Item querat, "Es religiosus uel secularis?" Si est religiosus, utrum monachus uel canonicus sit. Querat et utrum accesserit ad eum de licentia sui maioris, et hiis similia.

Si uero fuerit clericus secularis, si ordinatus uel non. Si ordinatus, utrum subdyachonus uel dyachonus uel sacerdos, et utrum habeat officium uel
 10 non, et utrum prior uel capellanus habens curam animarum, et utrum pauper uel diues, et utrum scholaris uel non. Si est scholaris, utrum sit exigue scientie uel magne, et si fecerit uotum intrandi ordinem, et huiusmodi talia.

Si fuerit laycus, utrum coniugatus uel non; et <si> dederit unquam corpus suum alicui mulieri in uirum, sicut faciunt stulti homines sepe, edendo uel
 15 bibendo uel etiam mulieres decipiendo. Verumtamen inaniter se ipsos fallunt quocumque modo fiat quia si dixerit uir, "Do tibi corpus meum et in uirum," et mulier dixerit, "Do tibi corpus meum in uxorem," coniugium est uerum et separari non <possunt>. Si autem sunt legitime coniuncti, querat utrum

1 Incipit . . . predicatorum] Hic incipit liber confessionum *A*: Incipit tractatus confessionis qualiter peccator sit interrogandus et consulendus a sacerdote *P*: Hic incipit secundus liber confessionis *T*: *om. BGNS* 2 Cum] Dum *S* 4 sacerdoti] sacerdos *AGNP*: *om. S* ei] primo *ABT*: ita *add. G*: *om. N* Frater *om. ABGT* 5-6 Item . . . religiosus] Si dixerit clericus, subiungat sacerdos (*om. B*) es tu religiosus. Querat etiam *AB*: Si dicat clericus, subiungat religiosus? querat *G*: Si clericus est, uel religiosus uel secularis. Si religiosus *N*: Si clericus dicat, querat an religiosus an secularis. Si religiosus *P*: Si dicat clericus, item querat utrum religiosus. Querat *S*: Si dicat clericus subiungat religiosus querat *T* 6 sit. Querat *om. ABGNPST* 7 maioris] superioris *GP* 8 secularis] scholaris *A*: *om. G* 9 sacerdos] presbyter *ABGPST* habeat officium] beneficiatus in ecclesia *ABT*: beneficiarius in ecclesia *G*: habeat curam animarum *N*: *om. P*: habeat beneficium ecclesie *S* 10-11 et¹ . . . non *om. ABT*: et utrum diues aut pauper *N* 10 prior] uel canonicus *add. GPS* 11-12 Si est . . . magne *om. N* 12 fecerit] unquam *add. ABGNPST* ordinem] religionem *BGPST* 13 et si *GS*: si *ABPT*: et *D*: uel si *N* 16 et in uirum] in maritum *ABGNPS*: *om. T* 17 et . . . uerum] et mulier similiter *N* coniugium est uerum] coniuges sunt *ABGT* 18 possunt *ABGNPST*: potest *D* Si . . . coniuncti] sic legitime sunt coniuncti. Item si dominus uel seruus, pauper uel diues *A*: et sic legitime sunt coniuncti *B*: si legitime sunt coniuncti *G*: si legitime sint coniuncti *N*: si aliter legitime non sunt coniuncti *PS*: quia legitime sunt coniuncti *T*

2-3 Cum . . . uobiscum: See above, introduction, at n. 12.

3-4 Tunc . . . oriundus: See above, introduction, at n. 21; and Raym., *Summa* 3.34.34, col. 833.

4-23 Frater . . . sustinere: See above, introduction, at nn. 48-50.

miles uel burgensis, mercator uel rusticus, pelliarius uel faciens sotulares,
 20 et sic de aliis officiis, uel si dominus uel seruus, pauper uel diues. Hec omnia
 et hiis similia sunt querenda ut postmodum cognoscat sacerdos quantum
 et quibus peccare potuit ille qui confitetur et quam satisfactionem poterit
 sustinere.

Postea sacerdos incipiat monere peccatorem hiis uerbis et similibus:
 25 "Frater, non uult Dominus mortem peccatoris, set ut conuertatur et uiuat;
 quod manifeste declaratur in te quia noluit in tuo peccato te occidere, cum
 tamen posset et de iure potuisset, set ut uenires ad penitentiam te inspirauit.
 Videas ergo ne stultitia ductus aliquod peccatum fatuo pudore uel timore
 uel honore occultes. Ego enim, miser peccator, plura feci uel saltem plura
 30 audiui quam tu. Memetipsum instituo esse participem et supportatorem
 peccatorum tuorum et oratorem pro eis. Preterea non <occultes> mihi
 peccatum. Ad quid uenisti? Nam antequam accederes ego nichil <s>ciebam.
 Set ideo caue <tibi> quia Deus non irridetur. Ipse enim cogitationes homi-
 num scit. Scias proculdubio quod si celares ex industria tua unum peccatum,

22 quibus] in quibus *ABGNPST* potuit] potest *ABGT*: possit *N* 24-54 Postea . . .
 ostendenda] Postea sacerdos incipiat peccatorem monere ut omnia peccata dicat, et caueat
 sacerdos cum peccator aliquid enorme dixerit uel peccatum mediocre, ne uelit statim incre-
 pare eum uel spernere quamuis peccatum fetidum audierit. Multis enim erubescunt et sic
 inconfessa quedam relinunt, non ergo est tunc terrendus *N* 26 manifeste] hodie *ABGPT*:
 manifeste hodie *S* 26-27 cum . . . potuisset *om. ABGT*: cum tamen potuisset et debuisset
P: cum posset et de iure debuisset *S* 28 ductus] deceptus *ABP*: *om. G* fatuo]
 statuto *AT*: obstante *B*: factum *S* 29 honore] terrore *ABG*: horrore *P*: *om. S*: errore *T*
 31-32 Preterea . . . peccatum *edd.*: Peccata tua cur occultares mihi *AGT*: Cur occultares
 mihi *B*: Preterea non occultator es mihi peccatum *D*: Et peccata tua econtra occultares
 michi *P*: Peccata cur occultes michi *S* 32 nichil sciebam *GPS*: nesciebam *AB*: nichil
 faciebam *D*: nesciebam ad quid igitur uenisti *T* 33 Set *om. ABST*: et *P* caue tibi
S: caueas tibi *ABT*: cauetur *D*: caueat tibi *G*

24-27 Postea . . . inspirauit: See above, introduction, at n. 50.

29-30 Ego . . . tu: See Burchard of Worms, *Decretum* 19.4 (PL 140:951A): "Frater, noli
 erubescere peccata tua confiteri, nam et ego peccator sum, et fortassis peiora quam tu feceris
 habeo facta"; Michel Andrieu, *Les "Ordines Romani" du haut moyen âge: 5. Les textes*
(suite), Spicilegium sacrum Lovaniense. Études et documents 29 (Louvain, 1961), 373.

30-31 Memetipsum . . . eis: See *De vera et falsa poenitentia* 20 (PL 40:1130): "Quibus
 cognitis adsit beneuolus, paratus erigere, et secum onus portare"; Gratian, *Decretum*, *De*
penit. D. 6.1 § 3; P. of Hungary, *De conf.*, p. 196; Raym., *Summa* 3.34.30, col. 827.

31-32 Preterea . . . sciebam: See *Ordo ad dandam poenitentiam* (S 1:98): "Frater pro
 qua causa uenisti ad hanc ecclesiam?"

33 quia . . . irridetur: See Gal 6:7: "Nolite errare, Deus non irridetur."

33-34 Ipse . . . scit: See Ps 93:11: "Dominus scit cogitationes hominum, quoniam vanae
 sunt."

34-35 Scias . . . posses: See *RGP CXXXVI.20* (ed. Vogel and Elze 2:242): "Et ideo non
 debes aliquod celare peccatum"; T. of Chobham, *Summa conf.*, p. 265: "Unde si aliquod
 peccatum celat, nulla est confessio, nulla est absolutio."

35 de aliis ueniam consequi non posses. Nec propter magnitudinem uel enormitatem peccatorum est aliquod occultandum in confessione, quia quamuis peccata magna sint, tamen Dei misericordia in confessione lauantur. Dicas igitur in nomine Domini quaecumque uolueris."

Tunc etiam dicat ei sacerdos quod stet inclinatus ad terram. Nam ita
40 docuit Dominus, de quo dicit euangelista quod "inclinato capite emisset spiritum." Sacerdos etiam audiens peccatorem caueat ne ipsum respiciat in facie et maxime <ne> respici possit et precipue si est mulier. Caueat autem a cachinno et risu et ne spueri uelit cum audierit peccata, nisi forte tusseat. Et prouideat si fieri potest ne sit in loco nimis secreto et ut <altius> quam
45 confitens sedeat, et caputium in capite teneat profunde. Sacerdos, si uiderit penitentem cespitare et dubitare et quasi palpando pertransire, dicat ei, "Frater, dicas secure quicquid uolueris quia Deus uobiscum est." Et si

35 propter magnitudinem] pro magnitudine uel multitudine ABGT: pro magnitudine P: pro multitudine S 35-36 enormitatem] enormitate ABGT: pro enormitate uel multitudine P: ingrauitudine (!) S 36-37 quia . . . lauantur] quia ex misericordia magna dei omnia in confessione leuantur ABT: quia ex magna misericordia domini omnia in confessione sanantur G: quia si magna sunt peccata maior est dei misericordia et omnia in confessione lauantur P: quod si magna sunt peccata tua magna est misericordia domini et omnia in confessione lauantur S 41-42 caueat . . . mulier om. A 42 ne BGPST: om. D 43-44 nisi . . . secreto om. P 43 tusseat] tussiat et aliud non possit A: tussiat et etiam possit B: tussiat G: tussiat S: transeat T 44 ut] non S altius ABGPST: alius D 45 caputium in capite] capud semper in caputio G: caputium semper in capite P: capuum S: caputium uel piben' in capite T 46 cespitare] suspirare A: spirare B: sespitare S: si spueri T et quasi palpando] uel etiam palpare quasi palpando eum uiderit A: uel etiam palpare et quasi palpando loqui eum uiderit, et B: uel etiam palpare et quasi paliendo G: et quasi palliando S: uel etiam palpare et quasi palpando T 47 Deus] dominus ABGPST: in marg. D

37-38 Dicas . . . uolueris: See RGP CXXXVI.9 (version V) (ed. Vogel and Elze 2:236): "Tunc diligenter require ab eo plenam ac puram confessionem" (precedes the interrogation by the priest).

39 Tunc . . . terram: See RGP CCIX.44 (ed. Vogel and Elze 2:14): ". . . suppliciter inclinet se ante sacerdotem"; *Ordo ad dandam poenitentiam* (S 1:98): "Postea peccator prostrnat se in terram ante altare" (precedes the interrogation).

39-41 Nam . . . spiritum: Jo 19:30: "Et inclinato capite tradidit spiritum."

41-42 Sacerdos . . . mulier: For instructions to refrain from looking at the face, particularly the faces of women, and to hear the confession in a public place, see Synod of Paris, 27 and 28 (Pontal, 62); Appendix 1, 74' (Pontal, 94); Synod of Angers, 78 (Pontal, 192). Cf. Raym., *Summa* 3.34.32, col. 831.

42-43 Caueat . . . tusseat: For rude reaction to the penitent, see the exemplum of Jacques de Vitry in Thomas Frederick Crane, *The Exempla or Illustrative Stories from the Sermones Vulgares of Jacques de Vitry*, Edited with Introduction, Analysis, and Notes (London, 1890; rpt. New York, 1971), 25 (number 63): "De quodam alio audiui qui confitentibus peccata solebat in faciem conspuere et abominari peccatores quos compatiendo attrahere debuisset."

44-45 Et prouideat . . . profunde: See Synod of Paris, 27 (Pontal, 62); Synod of Angers, 78 (Pontal, 192).

uoluerit, cum penitens dixerit ei aliquod enorme peccatum uel modicum, poterit ei dicere, "Dominus dimittat tibi," ut postea cetera <familiarius>
 50 dicat; melius tunc permittat eum dicere. Et caueat sacerdos multum ne cum peccator dixerit aliquod enorme peccatum uel orribile statim uelit eum increpare. Aliquando enim erubescunt peccatores et sic in confessione quendam relinquunt. Non ergo statim est confundendus peccator. Set postquam dixerit omnia, tunc est magnitudo peccatorum ostendenda. Quin potius
 55 "obstetricante <manu> educendus est coluber tortuosus," ut sacerdos, quasi lenigando peccata, prouocet penitentem dicere omnia; moneat eum etiam si uidet dicere impedit.

Postquam autem peccator omnia que etiam potest reducere ad memoriam confessus fuerit, si <uideret eum> sacerdos imperfecte et insufficienter dixisse,
 60 poterit defectum eius supplere et de reliquis inquirere, querendo de septem capitalibus peccatis quorum primum est superbia, per quam quatuor modis peccatur ad minus, que in hoc uersu notantur:

Ex se, pro meritis, falso, plus omnibus inflant.

48 uoluerit] uult sacerdos *ABGT* 49 postea cetera familiaris *GS*: causa familiaris *A*: familiaris cetera *BT*: cetera postea *D*: postea ei omnia familiaris *P* 50 melius tunc permittat] qui confitetur tunc dimittat *AT*: que confitetur tunc dimittat *B*: qui confitetur ratio dimittit *G*: *om.* *P*: Tunc permittat *S* 52 in confessione] peccata inconfessa *ABT*: confessa *G*: *om.* *P*: inconfessa *S* 54 ostendenda] insinuanda *A*: ei insinuanda *BGST*: reuelanda *P*: insinuanda *S* 55 obstetricante . . . tortuosus *om.* *P* manu *ABNST*: mandus *D* 55-56 manu . . . peccata *om.* *G* quasi . . . peccata] quasi lenigans *AN*: quasi lenitas *B*: quasi mitigando peccata *P*: quasi lenigatis *T* 56 moneat . . . etiam] Set postea audita confessione eius, ei magnitudo peccatorum est insinuanda *N* moneat] iuuat *ABPST*: iuuat *G* 58-59 que . . . fuerit] que ad memoriam reducit (reduxit *N*) narrauerit *ANT*: etiam ad memoriam reduxit et narrauerit *B*: que ad memoriam perducit confitens narrauerit *G*: dixerit quecumque potest reducere ad memoriam *P* 59 uiderit eum *AB*: uidet *D*: uiderit *GPST*: suadeat eum *N* 60 inquirere] indagare *BGNT* 61 capitalibus] mortalibus *AT*: criminalibus *B*: mortalibus principalibus *G*: principalibus *N*: mortalibus uel capitalibus *P* 62 peccatur] peccat *AS*: peccat homo *BGNPT* ad minus *om.* *ABGNPT*

50-54 Et caueat . . . ostendenda: See Synod of Paris, 28 (Pontal, 62): "... et patienter audiat dixerit, in spiritu lenitatis"; Appendix 1, 73' (Pontal, 94): "... non debet ad singula peccata terrere confitentem."

54-55 Quin . . . tortuosus: Job 26:13: "Spiritus eius ornavit caelos, et obstetricante manu eius, eductus est coluber tortuosus." See Gregory the Great, *Moralia in Iob* 17.32.51 (ed. M. Adriaen, CCL 143A [Turnhout, 1979], 882); Synod of Paris, Appendix 1, 73' (Pontal, 94); P. of Hungary, *De conf.*, p. 195; Raym., *Summa* 3.34.28, col. 825. The earliest use of this phrase in a penitential context known to us is in the *Summa* of John of Kent (ca. 1216), where it introduces book three, "De modo confessionis"; see Joseph Goering, "The 'Summa de penitentia' of John of Kent," *Bulletin of Medieval Canon Law*, n.s., 18 (1988): 23.

58-62 Postquam . . . ad minus: See above, introduction, at nn. 52-58; P. of Hungary, *De conf.*, p. 195.

63-69 Ex se . . . superbire: See T. of Chobham, *Summa conf.*, p. 22, and n. 3.

Sequitur expositio uersiculi. *Ex se*, id est cum superbit de aliquo dono,
 65 uerbi gratia de diuitiis uel de pulcritudine, de ingenio, de sanitate, de uoce,
 et huiusmodi. *Pro meritis*, id est cum superbit de bonis operibus uel uirtutibus
 sibi collatis. *Falso*, ut cum credit se meliorem esse et sanctiorem quam sit,
 uel attribuit sibi quod non habet. *Plus omnibus*, id est cum omnibus uult
 se proferre. Vbiue hec talia *inflant*, id est faciunt hominem superbire.

70 Sequitur de inuidia, que est cum quis gaudet de alieno malo et dolet
 de bono. Hic potest querere de hodio et detractiōe, de murmuratione et
 huiusmodi ad inuidiam pertinentibus.

Sequitur de ira, latens in corde, prorumpens in uerba contumeliosa, uel
 exercens <in uerbera>. Hic potest querere de hodio et si iniecit uiolenter
 75 manus in clericum. Si percussit uel minauit quemlibet clericum uel proximum.

Sequitur de accidia, que est tedium boni siue displicentia, id est cum
 displicet alicui audire missam uel predicationem uel interesse diuino officio.
 Hic potest querere, si penitens est clericus, si fuerit negligens in officio suo,
 uel si est laicus, si fuerit piger in faciendo bonum, uel si fregerit penitentiam
 80 sibi iniunctam, uel si distulit uenire ad ecclesiam diebus dominicis et aliis
 festiuitatibus.

64 dono] quod in ipso sit *AB*: quod in ipso est *GNT* 65 de diuitiis . . . de uoce] de ingenio, de scientia, de pulcritudine *ABGNT* ingenio] de fortitudine *add. PS* 67 et sanctiorem *om. ABGNT*: et saniores *S* 68 uel . . . habet *om. ABGNT* 68–69 id est . . . proferre] ut cum omnibus profertur *A*: ut cum omnibus se prefert *BT*: omnibus se prefert *G*: cum omnibus se prefert *N*: cum omnibus se preferre *S* 69 proferre] preferre *P* id est . . . superbire] id est reddunt hominem superbum *ABT*: id est reddunt inflatum *G*: reddunt hominem superbum *N* 70 alieno] proximi *ABT*: aliquo *N* 73–75 Sequitur de ira . . . proximum *om. T* (post "*accidia*" in *ABGN*) 73 ira] que triplex est. Est enim ira *add. ABN*: que triplex est *add. P*: que triplex est. Est igitur ira *add. S* 73–74 uel exercens in uerbera *om. N*: uel exiens in opera *P* 74 in uerbera *edd.*: uindictam *AB*: uerba *DG*: in uerba *S* de hodio et *om. ABGNPS* uiolenter] uiolentas *ABGPS*: *om. N* 75 manus] manum *N* minauit] uulnerauerit *A*: uiolauerit *B*: uulnerauit *NPS* 76 siue . . . cum] cum *ABNT*: scilicet cum *G*: uel displicentia boni ut cum *P* 78 si¹ . . . clericus] sacerdos *A*: *om. BGNT*: si est clericus *P* 79 uel¹] si pretermisit (pretermiserit *N*) *add. ABGN*: si ex toto aliquando pretermisit *add. PS*: pretermisit uel *add. T* si est laicus *om. ABGNT* faciendo bonum] bono faciendo *ABGT*: bona faciendo *N* 79–80 uel² . . . iniunctam *om. ABGNT*

70–72 Sequitur . . . pertinentibus: See Master Serlo, in Joseph Goering, "The *Summa de penitentia* of Magister Serlo," *Mediaeval Studies* 38 (1976): 13: ". . . dolet de bono alterius et gaudet de malo."

73–75 Sequitur . . . proximum: See Robert of Sorbonne, "Ad sanctam et rectam confessionem," ed. M. de la Bigne, *Maxima Bibliotheca Veterum Patrum*, 27 vols. (Lyons, 1677), 25:352D: "si sit latens ita in corde . . . si fuerit prorumpens in ore per contumelias."

76–81 Sequitur . . . festiuitatibus: For this vice, see Siegfried Wenzel, *The Sin of Sloth: "Acidia" in Medieval Thought and Literature* (Chapel Hill, N.C., 1960).

Sequitur de auaritia, que multas habet species, scilicet symoniam, que est studiosa uoluntas emendi uel uendendi aliquod spirituale; et furtum, quod est occupatio rei aliene inuito domino; latrocinium, quod est <at-
 85 tractatio latens rei aliene inuito domino; rapina, que est> aliene rei uiolenta depredatio; usura, que est studiosa animi cupiditas recipiendi aliquid supra sortem.

Sequitur de gula, per quam peccatur quinque modis que in hoc uersu notantur:

90 <Prepropere>, laute, nimis, ardentem, studiose.

Sequitur expositio uersiculi. *Pre*<*propere*>, id est cum quis preuenit horam prandendi [*Propere*] absque prandendi necessitate, sicut Ionatas filius Saulis. *Laute*, id est cum quis parat nimis delicate, sicut diues de quo loquitur in euangelio. <*Nimis*, id est cum quis> comedit aliquid uel bibit ultra quam
 95 satis est, sicut filii Israel in deserto. *Ardenter*, id est cum quis comedit gulose

83 aliquod] aliquid *AP*: *om. N* spirituale] uel annexum (connexum *G*) spirituali
add. ABGPST: bonum *add. N* 84–86 latrocinium . . . depredatio *S*: *om. AN*: latrocinium
 quod est uiolentia rei aliene occupatio inuito domino *BT*: latrocinium quod est aliene rei
 uiolenta depredatio *D*: latrocinium est uiolenta rei usurpatio inuito domino *G*: Rapina
 que est depredatio rei aliene inuito domino *P* 86 animi *om. ABGNST*: uoluntas uel *P*
 cupiditas] uoluntas *N* 87 sortem] Queritur igitur de istis *add. G*: Querat sibi de istis
add. N: Querat igitur de istis *add. S*: querat *add. T* 90 Prepropere . . . studiose *om.*
AGNT Prepropere *P*: Propere *B*: Pre. propere *D*: Pre. pro. pe. re. *S* 91 Prepropere]
 propere *ABG*: Pre *D*: *om. N*: Prepropere *PS*: Primo *T* 92 prandendi] prandii *ABT*:
 Propere *add. D*: comedendi *P* 92–93 sicut . . . Saulis *om. ABGNPT* 93 parat nimis
 delicate] querit delicata cibaria *ABGNT* 93–94 sicut . . . euangelio *om. ABGNPT*: sicut
 diues euangelicus *S* 94 Nimis, id est cum quis *NPS*: Nimis, id est cum homo *ABGT*:
 Cum quis nimis *D* 94–95 ultra quam satis est] usque ad ebrietatem *AG*: ultra quam
 satis uel forte usque ad nauseam *P*: ultra debitum modum *T* 95 sicut . . . deserto *om.*
ABGNPT 95–96 Ardentem . . . Esau *om. AG*: Ardentem, id est cum nimis auide *B*:
 Ardentem cum nimis auide sumit *N*: Ardentem, id est cum comedit gulose *P*: Ardentem, id
 est cum nimis sollicitus es in preparandis cibariis *T*

82–87 Sequitur . . . sortem: See P. of Hungary, *De conf.*, pp. 204–6, where fourteen species of *auaritia* are described, including the four mentioned and defined here.

88–98 Sequitur . . . ebrietatem: See Gregory the Great, *Moralia in Iob* 30.18.60 (ed. M. Adriaen, CCL 143B [Turnhout, 1985], 1531–32); Gratian, *Decretum, De consec.* D. 5.22; P. of Poitiers *Summa de conf.* 34 (ed. Longère, p. 39). The text of “Cum ad sacerdotem” is close to the version in the Synod of Angers, 81 (Pontal, 194).

92–93 sicut . . . Saulis: See 1 Sam 14:27.

93–94 sicut . . . euangelio: See Lc 16:19.

95 sicut . . . deserto: See Num 11:4.

sicut Esau. *Studiosae*, nimis <sollicitus est> in preparando, sicut faciebant filii Hely sacerdotis. Querat igitur si comedit usque ad nauseam uel bibit usque ad ebrietatem.

Sequitur de luxuria, que multas habet species, scilicet simplicem fornicationem, que est illicitus amor soluti cum soluta; adulterium, quod est alicuius thori uiolatio, ut cum coniugata mulier <accedit> ad alium uirum uel e conuerso; incestum, qui est illicitus concubitus consanguineorum uel propinquarum; stuprum, quod est illicita defloratio uirginum.

Sequuntur quatuor species que melius sciuntur actu quam locutione, scilicet abusus, molli<ti>es, flagitium, sodomiticum uitium. Circa huiusmodi inquisitiones caute habeat se sacerdos ut, si potest fieri, semper ex concessis procedat. Verbi gratia, primo inquirendum est: "Accidit tibi pollutio nocturna?" Si dicit sic, subiungat: "Ex crapula uel ebrietate, uel ex precedenti cogitatione, uel ex confabulatione mulierum, tactu, uel osculatione?" Nam

96-97 *Studiosae* . . . sacerdotis *S*: *om. AGT*: *Studiosae* id est cum nimis sollicitus est in preparandis cibariis *B*: *Studiosae* nimis in preparando sicut faciebant filii Hely sacerdotis *D*: *Studiosae* cum nimis est sollicitus in preparandis prandiis *N*: *Studiosae* id est cum magna cura *P* 97-98 Querat . . . ebrietatem *om. AGP* 100 amor] concubinis *A*: concubitus *GNPS*: coitus *BT* 101 alicuius] alieni *AGS*: alicui *BT*: alterius *N* accedit *ABGNPST*: *om. D* 102 incestum] incestus *ABGPST* qui *om. AGNT*: id *B*: quod *S* consanguineorum] consanguinearum *GNS* 103 propinquarum] propinquorum *ABPT* 104 sciuntur] exprimitur *AT*: expremunt *B*: noscuntur *G* 105 scilicet . . . uitium *om. BN* mollietates *AGPST*: molliores *D* 106 concessis] circumstantiis *ABT*: aliqua a *G*: dictis *NP*: doctis et illiteratis *S* 109 uel ex confabulatione mulierum] uel *AN*: aut confabulatione mulieris uel *B*: uel ex fabulatione *G* (*explicit*): *om. P*: uel confabulatione mulieris *S*: aut ex fabulatione mulieris *T*

96 sicut Esau: See Gen 25:34.

96-97 *Studiosae* . . . sacerdotis: See Synod of Angers, 82-83 (Pontal, 196). sicut . . . sacerdotis: See 1 Sam 2:13.

99-103 Sequitur . . . uirginum: For fornication, adultery, incest, and violation (*stuprum*) the author follows the standard division of lechery found in Gratian (*Decretum* C. 36.1.2 d.p.) which was taken over by Peter Lombard, *Sentences* 4.41.5-9.1-2 (*Sententiae in IV libris distinctae* [Grottaferrata, 1971-81], 2:500). The omission of *raptus* is not unusual; William Peraldus omits *raptus* from his initial listing of the species of lechery. Peraldus lists five species omitting *raptus* (*De uitiis*, "De luxuria," Schlägl 12, fol. 8vb); then later he adds, "Est alia species luxurie preter predictas que raptus dicitur" (Schlägl 12, fol. 10rb).

104-5 Sequuntur . . . uitium: Cf. below, at lines 147-48. *Sodomia*, *mollietates*, and *abusus* are listed in the tract "Debet humiliter et devote" (among the works of William of Auvergne, *Opera omnia* 2, Supplement, 247). For *flagitium*, see Isidore, *Etymologiarum* 5.26.3: "Flagitium a flagitando corruptelam libidinis, qua noceat sibi."

105-12 Circa . . . celebrare: See T. of Chobham, *Summa conf.*, pp. 330-32; Synod of Angers, 100 (Pontal, 208). For a history of the treatment of this matter, see Michael Müller, "Ein sexual-ethisches Problem der Scholastik," *Divus Thomas: Jahrbuch für Philosophie und spekulative Theologie* (Freiburg), 12 (1934): 442-97.

110 hiis duobus modis inputatur adeo quod, si percussus fuerit turpi ymaginatione, et debet abstinere a communione et a consecratione. Si uero fuerit sacerdos, et aliter sibi acciderit, facta confessione poterit celebrare. Vnde uersus:

115 Crimen obest noctis pollutio si iacuisti[s]
Ebrius aut turpe meditatus primo fuisti.
Crimen abest sua si natura superflua tollat,
Aut si debilior uacu<o> se uentre resoluat.

“Accidit tibi pollutio uigiliando aliquando ex mutuo colloquio mulierum uel osculatione uel etiam tactu, uel mulierem cognouisti unquam?” Si dicit 120 sic, “Coniugatam uel solutam?” Si coniugatam, subdat: “Dimisitne uirum suum pro te, uel sciuit ipse uel alius quod tu concuberes cum ea?” Preterea dicat quot cognouit coniugatas, uel: “Dederunt tibi aliquid de bonis maritorum suorum?” Constat quod non poterunt dare de iure; immo si fecerunt, reddat eis. Si dicat se cognouisse solutam, querat utrum uirginem uel uiduam 125 uel meretricem; numerum etiam ipsarum debet exprimere si potest, ad minus secundum extimationem. Vel querat si cognouit aliquam de consanguinitate uel parentela, uel cognitam a consanguineo suo [uel] propinquo, uel sanctimoniam si cognouit uel aliam mulierem religiosam, uel alterius legis, uel si suscepit aliquam prolem.

110–11 hiis duobis . . . consecratione] hiis duobus modis est peccatum set aliis modis non est peccatum *A*: hiis duobus modis est peccatum. Sunt alii modi quibus non est peccatum *BT*: hiis tribus modis peccatum est mortale. Sunt duo modi quibus peccatum ueniale est *N*: his duobus modis amputatur a deo. Quod si percussus aliquis turpis et morosa et delectabili indignatione debet cessare a communione et confessione *P* 111–12 Si uero . . . celebrare *om. ABNT*: Sunt alii duo modi in quibus peccatum non est set potius pena *add. P*: Sunt duo modi quibus non est peccatum set pena peccati *add. S* 114 obest] habet *ABPST*: adest *N* iacuisti *ABNPST*: iacustis *D* 115 turpe] primo *ABNST* primo] turpe *ABNST* 117 uacuo *ABNPST*: uacuat *D* 120 Dimisitne] eam *add. P*: Dimisisne *S* uirum] uir *ABNPST* 121 suum] suus suam *A*: suus *NPS*: suus eam *BT* pro] propter *ABNST* 122 Dederunt] Dederuntne *ABPS* 123 Constat . . . immo *om. ABNPT* 124 reddat eis] restituas *ABNT*: reddas quia non potuerunt aliquid tibi dare *P*: reddas *S* 125–26 si . . . extimationem *om. ABT*: si potest *N*: secundum extimationem et numerum earum si potest *P* 126 de consanguinitate] de cognatione sua *ABP*: consanguineam suam *N*: ex cognatione sua *T* 127–28 parentela . . . sanctimoniam] sanctam moniam *N* 127 propinquo *PS*: *om. ABT*: uel propinquo *D* 128 si cognouit . . . legis *om. ABNT* 129 aliquam] ex aliqua *ABNPT*: ab ea *S*

114–17 Crimen . . . resoluat: See Alexander of Hales, *Glossa in 4 Sent.* 31.22 (Quaracchi, 1957), 504.

121–24 Preterea . . . eis: Synod of Angers, 109 (Pontal, 216).

124–26 Si . . . extimationem: See Synod of Angers, 86 (Pontal, 198).

130 Postea querat de circumstantiis agrauantibus peccatum, qu<e>, licet in aliis peccatis sunt inquirende, ut furto, homicidio, et huiusmodi, maxime tamen in isto. Sunt autem octo, que in istis uersibus continentur.

Quid, ubi, quare, quantum, quis, quomodo, quando,
Adiuncto quotiens, hec octo non resistens,

135 Quibus obseruet anime medicamina sumens.

Sequitur expositio predictorum. *Quid*, utrum peccatum fuerit occultum uel manifestum. <Magis enim peccat si publicum quam si occultum, quia> si manifestum alios tunc suo prauo exemplo corrumpit. *Vbi*, id est in quo loco, sacro uel non sacro. Comisit peccatum in cimiterio uel in ecclesia
140 uel iuxta <eam>? *Quare*, id est qua temptatione; utrum temptatus ipse fuerit uel preueneri[n]t temptationes, sicut multi pessimi faciunt comedendo aliqua calida uel sorbilia, uel etiam suo corpori quasi uiolentiam faciunt ut in faciendo luxuriam sint fortiores. *Quantum*, scilicet utrum peccatum enorme uel mediocre. Si enim dicit se pecasse cum muliere, considerandum
145 est utrum cum coniugata uel soluta, uirgine uel sanctimoniali uel meretrice uel alterius legis; et sic de aliis. *Quis*, id est in quo personatu uel officio uel dignitate constitutus. *Quomodo*, scilicet, de modo agentis et de modo

130 que *ABNPST*: quod *D* 133 Quid . . . quando] Quid quis ubi quibus auxiliis cur quomodo quando *A*: Quis quid ubi quibus auxiliis cur quomodo quando *BNT* Quid] Quot, quid *P*: Hec, quid *S* 134 Adiuncto . . . resistens *om. P* non resistens] querere debes *ABT*: notat. Respicens *N*: nominantur *S* 135 Quibus . . . sumens *om. P* sumens] summus *AS*: sumes *B*: sumetis *T* 137 Magis . . . quia *AST*: Magis enim peccat si sit publicum quam occultum *B*: quod *D*: magis enim peccat publice quam occulte *N*: quia magis peccat si publicum quam occultum *P* 139–40 Comisit . . . eam] commisit peccatum *AT*: in ecclesia consecrata uel non, uel in cimiterio *B*: ubi comisit peccatum, uel erat prope ecclesiam *N* 140 eam *S*: eum *D*: *om. P* 140–41 utrum . . . temptationes *om. N* 141 preuenerit *BST*: preuenit *AP*: preuenerint *D* temptationes] temptationem *ABPST* 142 quasi] quandoque *P*: *om. ABNST* 143 faciendo . . . fortiores] hoc opere potentiorum (violentior *B*, potentiores *N*, potentior *T*) existerent (existerit *BT*, existant *N*) *ABNT*: faciendo luxuriam potentiores fiant *P*: faciendo luxuriam fortiores existant *S* 147–56 Quomodo . . . peccata *om. A*

130–62 Postea . . . modo: See Synod of Angers, 80, 102 (Pontal, 194, 208); P. of Poitiers, *Summa de conf.* 40 (ed. Longère, p. 49, note to line 48).

133–35 Quid . . . sumens: See above, introduction, at nn. 23–27.

140–43 Quare . . . fortiores: See Huguccio's distinction: "In primo casu prevenitur a voluptate et potius vult sic peccare quam fornicari. In secundo prevenit voluptatem et provocat eam manibus vel cogitatione vel utendo calidis et incentivis ut plus cum uxore coire valeat" (*Summa* on Gratian, *Decretum* C. 32.2.2 d.p., ad v. *quod enim* [Admont, Stiftsbibliothek 7, fol. 369vb]); cf. P. of Hungary, *De conf.*, p. 198.

147–48 Quomodo . . . locutione: P. of Hungary, *De conf.*, p. 193: "Quomodo. scilicet de modo agentis. et patientis. que melius sciuntur actu quam lectione"; Raym., *Summa* 3.34.31, col. 829: "Quomodo, scilicet de modo agendi, vel patiendi, quod melius actu, quam

patientis, qui melius sciuntur actu quam locutione. Hic caute procedat sacerdos. Sic enim debet dicere seu querere ut si confitens <fecerit illa>
 150 statim intelligat. Si uero non fecit, non ab eo discat. Potest enim querere sic: "Modus <naturalis> est ut si uir coheat cum muliere semper <sit superior, mulier> iacendo inferior. Fecisti aliter? Si fecisti, non erubescas dicere." Si dicit non, transeat ultra. Si autem querat confitens, "Et quomodo possit aliter fieri?" "Statue," sicut dicit Salomon, "cultrum gutturi tuo; si
 155 tamen habe[n]s in potestate animam tuam." Aliquando enim instruuntur peccatores ab inperitis sacerdotibus ad inexperta peccata. *Quando*, scilicet utrum tempore festiuo uel tempore ieiunii uel alio non concesso. *Quotiens*, id est de uicibus et actibus est considerandum si ad memoriam potest reduci.

Nota tamen quod de omnibus istis circumstantiis debet ab omnibus
 160 querere nisi tacendum discretioni sacerdotis uisum fuerit. Verbi gratia, a pueris uel ualde simplicibus non est querendum, ut mihi uidetur, utrum est in ecclesia, uel de modo.

149–50 Sic enim . . . querere *om. P* ut . . . querere *om. T* 149 fecerit illa *edd.*: ea fecerit *B: om. D*: fuerit illa *N*: fecit illa *S* 150–51 Si uero . . . ut *om. N* 151 naturalis *BPST*: malus *D* 151–52 si uir . . . inferior *edd.*: quando uir coeat cum muliere debet esse superior mulier iacendo inferior *B*: si uir coheat cum muliere semper iacendo inferior *D*: uir debet esse superior iacendo et mulier inferior *N*: si quando uir coeat cum muliere semper sit superior, mulier inferior iacendo *P*: si quando coeat cum muliere inferior iacendo *S*: si uir quando coeat cum uxore debet esse superior et mulier esse inferior iacendo *T* 153–55 Si autem . . . enim] Aliter *N* 155 habes *BST*: habens *D*: habeat *P* 157–58 Quotiens . . . reduci *om. AP* 158 considerandum] inquirendum *BT*: confitendum *NS* potest] possint *B*: possunt *NT* 159–68 Nota tamen . . . secures *om. A* 159 Nota] Non *BNST* quod *om. BNT*: non *add. PS* de . . . debet] omnes hec circumstantie *B*: omnes circumstantie *N*: debet de omnibus circumstantiis istis *P*: hec circumstantie *T* 160 querere] sunt querende *B*: inquirende *N*: sunt inquirende *T* nisi] set *BT: om. N* tacendum] secundum quod *NPS*: sicut *BT*

locutione scitur." See also P. of Hungary, *De conf.*, p. 197: "Hec et alia multa debet considerare discretus sacerdos. que magis opere et actu possunt scire. quam doceri locutione."

148–56 Hic . . . peccata: See Alan of Lille, *Liber poenitentialis*: 2. *La tradition longue. Texte inédit publié et annoté*, ed. Jean Longère, Analecta Namurcensia 18 (Louvain, 1965), I.4, p. 27; Robert of Flamborough, *Liber poenitentialis: A Critical Edition with Introduction and Notes*, ed. J. J. Francis Firth, Studies and Texts 18 (Toronto, 1971), 4.224, p. 196 and n. 50.

150–54 Potest . . . fieri: See Synod of Angers, 95 (Pontal, 204); Robert of Flamborough, *Liber poenitentialis* 4.224 (ed. Firth, p. 196); P. of Poitiers, *Summa de conf.* 12 and 19 (ed. Longère, pp. 16 and 22). A survey of the question is found in James A. Brundage, "Let Me Count the Ways: Canonists and Theologians Contemplate Coital Positions," *Journal of Medieval History* 10 (1984): 81–93.

154–55 Statue . . . tuam: Prov 23:2: "Et statue cultrum in gutture tuo; si tamen habes in potestate animam tuam."

Postmodum, utrum d<u>xerit uel inuitauerit alios iuuenes ad meretrices, uel <sollicitauerit> pro eis. Vel querat utrum gloriatus fuerit de peccato, 165 sicut faciunt quidam dicentes, "Ego cognoui istam uel illam," uel huiusmodi. Hii letantur cum male fecerint et gloriantur in rebus pessimis. Vel [n]unquam adduxerit aliquas mulieres alicui, uel etiam uerba dixerit aliqua propter opus illud. Tales enim uocantur secures.

Preterea querat de decem preceptis, sine quibus non est salus, utrum 170 scilicet aliquod transgressus fuerit. Primum igitur mandatum est: Non habebis deos alienos coram me. Querat igitur <utrum> experimenta uel incantationes uel coniurationes pro mulieribus, uel sortilegi<um> pro rebus inueniendis fecerit, uel auguria obseruauerit, aut diuinos uel diuinas consulerit.

Secundum est: Non assumas nomen Dei tui in uanum. Hic etiam querat 175 utrum periurium fecerit, uel in simplici uerbo consuetudinem habeat ponere Deum, sicut faciunt gallici et quidam alii pessimi, nescientes tria uerba proferre sine adiuratione, uel etiam ludendo siue irascendo uerba <execranda> de Deo et de beata Virgine [uel aliorum sanctorum] dixerint.

Tertium est: Memento ut diem sabbati sanctifices. Hic querendum est 180 utrum in die dominica aliquod opus seruile fecerit, ut arare, fodere, scindere, suere, scribere, ad molendinum ire, fruges uel racemos colligere, et cetera,

163–64 Postmodum . . . eis *om. T* 163 duxerit *BPS*: dixerit *D*: adduxerit *N* 164 uel sollicitauerit . . . utrum *om. N* sollicitauerit *P*: soluerit *B*: salutauerit *D*: soluit *S* pro eis] cum deberet ei (*om. B*, sibi *S*) sufficere propria culpa *add. BPS* 166 Hii . . . pessimis] Hii letantur cum male fecerint *BT*: Hii cum male fecerunt *N*: *om. P*: Hii letantur pessime *S* unquam *P*: *om. BNS*: nunquam *D*: utrum *T* 167 adduxerit] dixerit *B*: conduxerit *P*: duxerat *T* aliquas mulieres] aliquam mulierem *PS*: mulierem *BNT* 168 Tales . . . secures] *om. T* secures] secures diaboli *N*: maquerias in gallico *P* 171 utrum *ABNPST*: actum *D* 172 sortilegium *PS*: sacrilegia *AT*: sortilegia *B*: sortilegiis *D*: sortilgeiam *N* rebus (*explicit*) *S* 173 obseruauerit] seruauerit *ABPT* diuinos] diuinationes *ABT* diuinas] demones *ABT* 174 assumas] assumes *ABNP* 175–76 ponere Deum] iurare *ABT*: iurare Deum *NP* 176 quidam alii pessimi] Alobroge *P* 177 adiuratione] iuratione *ABNPT* 177–78 execranda *N*: extranea *ABT*: exercendo *D*: execrando *P* 178 Deo] Christo *ABNT* uel . . . sanctorum *om. ABNPT*

163–68 Postmodum . . . secures: See T. of Chobham. *Summa conf.*, pp. 403–4; Synod of Angers, 104 (Pontal, 210). The term "secures," apparently meaning "pimps" or "panderers," is otherwise unattested. ms *P* replaces "secures" with the French "maquerias"; ms *S* adds a marginal gloss: "secuntur enim malas res, ideo secures uocantur" (fol. 264ra).

166 Hii . . . pessimis: See Prov 2:14: "Qui laetantur cum malefecerint et exsultant in rebus pessimis."

169–213 Preterea . . . haberet: Ex 20:3–17; Peter Comestor, *Historia scholastica* (Exodus), chap. 40, "Explicatio decalogi" (PL 198:1163–66). See above, introduction, at nn. 64–67.

secundum quod uisum fuerit, habito respectu ad personam confitentis; uel si in festiuis diebus ad ducendas coreas uel spectacula <exiuit> uidenda, uel sicut est consuetudo in quibusdam partibus in uigiliis sanctorum in
 185 ecclesia cantiones luxuriosas et diabolicas cantare, quod graue peccatum est.

Quartum est: Honora patrem tuum et matrem tuam. Hic querendum est si patrem suum uel matrem percussit, uel uerbis uel factis ad iracundiam prouocauit, uel si eis in necessitatibus non subuenit.

190 Quintum est: Non occides. Hic querat si occiderit uerbo, uoluntate uel opere uel prauo exemplo, uel si uiderit aliquem in articulo mortis uel maximam penuriam patientem et non liberauit eum pro posse suo, uel si conceptum mulieris interemit uel interimere docuit, uel si fecit aliquid ne mulier conciperet, uel si alicui uenenum mi<ni>strauerit.

195 Sextum est: Non mechaberis. Hic querat utrum uxorem proximi habuerit, uel si eam osculatus fuerit, uel inhoneste ad eam accesserit, et ut eam haberet quicquid potuit fecit.

Septimum est: Non furtum facies. Hic querat utrum furtum fecerit, quid et quantum et quibus furtum rapuit, uel latronibus in latrocinio suo
 200 consenserit; si aurum uel argentum uel gemmas uel denarios uel uestes siue pannos uel gallum uel gallinam uel alia bona alicuius pauperi<s> seu proximi sui, nisi de uoluntate ipsius, habuerit.

183 exiuit *ABNPT*: exinde *D* 185 cantiones] cantilenas *ABPT*: cantationes *N*
 188 suum *om. ABNPT* iracundiam] iram *ABNT* 189 prouocauit] prouocauerit *AT*:
 prouocauerit uel concitauerit *B*: concitauerit *N* 192 maximam *om. ABNT* eum *om.*
ABNTP 193 interimere] perimendum *AT*: experimentum *B*: perimere *NP* 193–94 uel
 si fecit . . . conciperet *om. A*: uel ut non conciperet fecerit *BN*: uel ut non conciperet docuit
 et fecerit *P*: uel ut non conceperit *T* 194 ministrauerit *BT*: miscuerit *A*: mistrauerit
D: mestravit *N*: propinauit *P* 195–97 proximi . . . fecit] in mente uel opere cognouerit
 uel eam haberet quod potuit fecit *N* 197 quicquid potuit fecit] quod potuerit fecerit
A: quod potuit fecerit. Item speciebus et ungentis est usus ad placendum mulieribus uel
 si aliquod malificium fecerit uel fieri fecit pro aliqua muliere habenda. Si ad diuinos accedit.
 Si idem corpore uel sanguine Christi aliquod illatum fecit *B*: quicquid potuit facere fecit
P: quod potuit faceret *T* 198–99 quid . . . rapuit] si furtiue quid rapuerit que et a quibus
 et unde *A*: si furtiue receperit et quibus et unde *B*: Si dicat sic subiungat uel in quibus
 et ubi *N*: quod uel quantum et quibus rapuerit *P*: si quem furtiue rapuerit uel quibus et
 unde *T* 200–202 si aurum . . . habuerit *om. ABNT* 201 uel alia . . . seu] uel aliquod
 sinistrum *P* pauperis *edd.*: pauperi *D*

182–86 uel . . . peccatum est: See Robert of Courson's legatine council of Paris (1212), c. 18 (ed. J. Mansi, *Sacrum conciliorum nova et amplissima collectio*, vol. 22 [Venice, 1778], col. 843): "Prohibemus etiam, ne choreas mulierum in coemiteriis, vel in locis sacris, obtentu alicuius consuetudinis deduci permittant; nec sustineat opera. . . ."

Octauum est: Non falsum testimonium dices. Hic querat si aliquis pro suo falso testimonio, uel ipsius occasione, res suas amisit, et hiis similia.
 205 In hoc precepto prohibetur omne mendacium, quod est mortale nisi causa ludi uel causa pietatis fiat et tunc est ueniale, et detractio et adulatio.

Nonum est: Non concupisces rem proximi tui seu domum uel agrum. Hic prohibet concupiscentiam rei immobilis secundum Augustinum.

Decimum est: Non desiderabis uxorem proximi tui, non seruum, non
 210 ancillam, non bouem, non asinum nec omnia que illius sunt. Hic prohibet concupiscentiam rei mobilis. Secundum <Origenem>, unum preceptum est cum precedenti. Querat igitur si concupiuit aliqua unquam de hiis que hic prohibentur, et si concupiuit ut alius amisisset ut ipse haberet.

Post hoc querat de quinque sensibus, scilicet de uisu, utrum uiderit
 215 mulierem ad concupiscendum eam, uel fornicantes alicubi, cum deberet auertere oculos suos a uanitate; et si uenerit ad uidendum spectacula in mulieribus.

De olfatu, utrum detulit muscum uel huiusmodi ut spargendo bonum odorem homines alliceret.

220 De auditu, utrum cantilenas libenter audierit, et diu cum in audiendo missas cito tedio efficeretur.

De gustu, utrum salsas superfluas luxuriam prouocantes, uinum purum uel aliqua sorbilia biberit uel comederit uel, quod grauius est, hoc in usu

204 falso *om. ABNT* uel ipsius occasione *om. P* ipsius *om. ABNT* amisit] amiserit *ABNPT* 205–6 quod ... adulatio *om. ABNT*: et detractio *P* 207 rem] domum *ABPT*: res *N* seu ... agrum *om. ABNPT* 211 Origenem *PT*: Originem *ABN*: Origenes *D* 212–13 Querat ... haberet *om. N* 213 concupiuit ut] uoluerit quod *A*: uoluit quod *BPT* 215 mulierem] libenter mulieres *A*: mulieres *B*: mulierem libenter *NT* ad ... eam *om. ABNT*: ad concupiscendum *P* fornicantes] fornicationes *ABT*: uanitates *N*: *om. P* alicubi] aliciusus (?) *A*: *om. BN*: aliqua illicita *P*: alicuius *T* 216–17 a uanitate ... mulieribus *om. P* 216 si uenerit] si iuit *ABT*: *om. N* uidendum *om. N* 216–17 in mulieribus] et huiusmodi *ABT*: uel histrio- nes diebus dominicis et festiuis *N* 218 olfatu] odoratu *ABNPT* detulit] detulerit *ANT*: detulerit ad nasum suum *P* muscum] species *A*: [*lacuna B*]: aliquid unde *P*: unguentum *T* uel ... bonum *om. P* spargendo] omittendo *A*: emittre de se *B*: *om. N*: emittendo *T* 222 salsas ... prouocantes] salsas carnes superfluas prouocantes luxurias comederit *A*: carnes salsas prouocantes luxuriam superflue comederit *B*: salsas prouocationes luxuriam et superfluas carnes *N*: salsas superfluas carnes prouocantes uel *P*: salsas carnes superfluas luxuriam prouocantes comederit *T* purum] purissimum *N*: forte sine aqua *P* 223 uel comederit *om. ABNT*

207–12 Nonum ... precedenti: See Peter Comestor, *Historia scholastica* (Exodus), chap. 40 (PL 198:1165D–1166A): "Secundum Augustinum hic prohibet concupiscentiam rei alienae immobilis. ... Hic autem prohibet concupiscentiam rei mobilis. Secundum Originem, unum est preceptum."

214–27 Post ... pudibunda: See above, introduction, at nn. 68–73.

215–16 cum ... uanitate: See Ps 118:37: "Averte oculos meos, ne videant uanitatem."

uoluerit habere; uel si consueta ieiunia fregerit, ut puta quadragesimam,
225 uigilias apostolorum, et ieiunia quatuor temporum, et hiis similia.

De tactu, utrum tetigerit mulierem inhoneste, scilicet tractando eius mamillas, pectus, uel eius pudibunda.

Vel potest queri hic de cuius officio sit, scilicet utrum in eo aliquam fraudem fecerit, ut pelliparius in pelliparia, faber, ferrarius, uel lignarius in
230 suis operibus, et sic de aliis.

Vltimo debet querere <de homine exteriori> uidelicet si capillos cecinauerit uel aliquid fecerit ut essent falui, uel intercilia depilauerit; si faciem unxerit uel pinxerit, et huiusmodi; si collum decorticauerit; si etiam manicas strictas fecerit et in uestitu notabilis apparuerit. Et sic per omnia
235 <membra>, et eorum officia et actus potest dicere. Vel circa interiore<m> hominem potest querere de cogitationibus et desideriis, utrum cogitationes de luxuria cum delectatione, uel suspicatione<s> de proximis habuerit, et hiis similia.

224 consueta] consuetudinaria *ABNT*: consuetudinarie *P* 224–25 quadragesimam . . . similia] beate Marie uel apostolorum uigilias absque necessitate fregerit similia *N*
224 quadragesimam *om. ABT*: quadragesime *P* 225 apostolorum] duodecim apostolorum absque necessitate *ABT* et . . . temporum *om. ABT* 228 cuius officio sit] eius officio *ABNPT* 231 querere . . . exteriori *P*: quere *A*: querere de toto homine exteriori *B*: querere *DT*: queri de toto homine exteriori *N* 231–32 cecinauerit] et colores in facie *A*: sarcinauerit *BT*: crinauerit *N*: ordinauit *P* 232–34 uel aliquid . . . pinxerit *om. B* 232 uel aliquid . . . falui *om. AN*: uel si ut essent blundi fecerit *P* falui] pulcher *T* 232–34 uel intercilia . . . apparuerit *om. A* 232 intercilia] supercilia *NPT*
233 decorticauerit] decorauerit *T*: decortizauerit *P* 234 et in . . . apparuerit *om. N*
notabilis] notabili *B*: nobili *T* apparuerit] extiterit *BT* 234–35 Et sic . . . dicere *om. A*
235 membra *BPNT*: *om. D* eorum . . . potest] eorum habitus potest *B*: *om. N*: eorum habitus et officia potest *T* dicere] discurrere *BT*: discurrat *N*: per omnia discutere *P*
235–36 circa . . . hominem] de interiori homine *ABNPT* 235 interiorem *edd.*: interiores *D*
236–38 et desideriis . . . similia *om. A* 237 cum . . . habuerit] et de delectatione *B*: uel de proximis suis suspiciones habuerit *N*: delectando habuerit, uel suspiciones malas de proximis *P*: et delectatione *T* suspiciones *edd.*: suspicatione *D*

224–25 uel si . . . similia: See Synod of Paris, 39 (Pontal, 66); Synod of Angers, 60 (Pontal, 176).

226–27 De tactu . . . pudibunda: See Synod of Angers, 103 (Pontal, 210).

228–30 Vel . . . aliis: See Synod of Angers, 110 (Pontal, 216). See the substantial treatment of this subject by Thomas of Chobham, *Summa conf.*, pp. 290–309 (“De officiis penitentium”).

231–38 Vltimo . . . similia: See Robert Grosseteste, <De modo confitendi> 1.26 (ed. J. Goering and F. A. C. Mantello, “The Early Penitential Writings of Robert Grosseteste,” *Recherches de Théologie ancienne et médiévale* 54 [1987]: 87–88); J. Goering and F. A. C. Mantello, eds., “The ‘Perambulauit Iudas . . .’ (*Speculum confessionis*) Attributed to Robert Grosseteste,” *Revue Bénédictine* 96 (1986): 155–58, cc. 17–24.

- A<u>ditis omnibus peccatis incipiat exprobare, cuiuslibet ostendens
 240 magnitudinem et enormitatem et malitiam ipsius confitentis, et bonitatem
 Dei qui eum ad penitentiam adduxit. Moneat confitentem et dicat, "Fratr
 piget te hec scelera perpetrasse et creatorem tuum offendisse, et proponis
 de cetero non reddere ad hec nec ad aliud mortale peccatum?" Si dicat
 sic, "Parcat tibi Deus. Dominus transtulit a te peccatum tuum, uerumtamen
 245 penam temporalem oportet te sustinere. Cuilibet peccato mortali debetur
 septennis penitentia secundum canones, tamen quia ego et tu in foro sumus
 iniungam tibi quod uolueris et potueris portare." Et tunc ad arbitrium suum
 iniungat ei penitentiam, id est ieiunia et orationes et disciplinas et helemosinas
 et uotum pacis indifferenter, set, si potest fieri, pena respondeat culpe.
 250 Vnde sciendum est quod qui peccat mortaliter offendit uel Deum uel
 proximum uel seipsum. In Deum peccat quis per blasphemiam et per periurium
 et huiusmodi, et tunc debet satisfieri per orationes. In proximum peccat
 per uiolentiam et per iniuriam aliquam, et debet reddere rapinam uel usuram
 et huiusmodi, et debet satisfieri per helemosinas. In semetipsum peccatur
 255 per gulam <et> luxuriam, et debet satisfacere per ieiunia et per disciplinas
 et alias macerationes carnis.

239–49 Auditis . . . culpe] et si firmiter proponit ad peccata non redire *N* 239 Audi-
 tis . . . peccatis] Tandem *ABT*: Tunc *P* Auditis *edd.*: Additis *D* exprobare] expro-
 brare *P* cuiuslibet ostendens] peccata ostendens cuiuslibet peccati *AB*: et peccatorum
P: peccata ostendens cuiuslibet *T* 241–47 Moneat . . . portare] Postea dicat ei quod
 abstineat se ab illis pro posse suo *P* 242 piget] penitet *ABT* hec scelera] hec faci-
 nora *A*: hec peccata *B*: facinora *T* et creatorem . . . offendisse *om. ABT* 243 ad
 hec . . . peccatum *om. ABT* 244 Parcat . . . Deus *om. A*: dicat ei *B*: dominus dicat
 ei *T* 245 sustinere] subire aut hic aut purgatorio, ideo elige tibi vis eam hic uel ibi.
 melius sustinere *A*: subire aut hic aut in purgatorio, ideo elige ubi uis melius eam susti-
 nere *B* 246 penitentia] pena *ABT* 248–49 id est . . . indifferenter *om. AT*: non pas-
 sim et (set *B*) indifferenter *BP* 250–51 Vnde . . . seipsum] Tribus modis peccat homo
 aut in deum aut in proximum aut in se ipsum *ABT*: Tribus modis peccat homo aut deo
 aut proximo aut in se ipso *N* 252 debet] ei *add. ABNP*: eis *add. T* satisfieri] satis-
 facere *ABNPT* 253 per!] rapinam uel *add. ABT*: rapinam et *add. NP* 253–54 et
 debet . . . huiusmodi *om. ABNPT* 254 debet] ei *add. ABT* satisfieri] satisfa-
 cere *ABNPT* helemosinas] operis satisfactionem et elemosinam *ABT*: elemosinam *N*
 peccatur *om. ABNPT* 255 et¹ *ANPT*: *om. B*: per *D*

239–41 Auditis . . . adduxit: See *RGP CXXXVI.18* (ed. Vogel and Elze 2:241): "Sed
 antequam imponas poenitentiam, debes ostendere, quam grande est illud malum et quot
 annis debet poenitere. Debes tamen ammonere, ut non desperet, quia Deus misericors est."
 See *Ordo ad dandam poenitentiam* (S 1:99).

241–49 Moneat . . . culpe: See above, introduction, at nn. 75–78.

249 pena . . . culpe: See rubric in Peter of Poitiers, *Summa de conf.* 15 (ed. Longère,
 p. 19): "Quod poena conformis est culpae quandoque per contrarium."

250–56 Vnde . . . carnis: See Peter Lombard, *Sentences* 2.42.4.3 (*Sententiae in IV libris
 distinctae* 1:569); T. of Chobham, *Summa conf.*, pp. 231–32; Robert Grosseteste, *Templum
 Dei*, Edited from MS. 27 of Emmanuel College, Cambridge, ed. J. Goering and F. A. C.
 Mantello, Toronto Medieval Latin Texts 14 (Toronto, 1984), 19.7–8, p. 64.

Caueat discretus sacerdos ne uelit omni peccato unam et eandem medelam adhibere sicut faciunt quidam miseri et auari sacerdotes qui pro omni peccato missas iniungunt; set non ita est faciendum sicut patet per predicta. Non

260 enim sanat oculum quod sanat calcaneum.

Vel querat de obmissione boni, utrum potuit bonum facere et non fecit, quod grauis iactura est. Nam sicut habetur in euangelio, Dominus non disceptabit cum reprobis nisi tantum de peccato obmissionis. Vnde, "Esuriui enim et non dedistis mihi manducare," etc.

265 Nota quod quinque modis potest peccare maritus cum uxore. Vnde uersus:

Quinque modis peccat uxore maritus abutens:

Tempore, mente, modo, conditione, loco.

Festa sacer<que> locus, ieiunia, <menstrua>, partus,

Si <petit> hiis <peccat>, reddit quandoque licenter.

270 Et nota quod quidam casus sunt seruandi episcopis, quidam domino pape. Vnde uersus:

257-60 Caueat . . . calcaneum] Vnde cauere debet ne eandem medelam uel satisfactionem iniungat pro omnibus peccatis quia non sanat oculum qui sanat calcaneum *P* 257 unam et *om. ABNT* eandem] ponderosam *AB*: parem *N* 258 miseri et auari] indiscreti *ABT*: miseri *N* 259-60 Non . . . calcaneum *om. ABNT* 261 boni *om. ABNT* 262 Nam sicut . . . euangelio] Nam *ABNT*: quia de hoc *P* 264 enim *om. ABNPT* 266 uxore] propria *add. ABT*: sua *add. P* 268 sacerque *ANT*: facitque *B*: sacer *D*: sacrique *P* menstrua *ABPT*: mestruo *D*: menstrua *N* partus (*explicit P*) 269 petit *N*: petis *ABT*: peciis *D* peccat *N*: peccas *ABT*: peccant *D* reddit] reddis *ABT* licenter] petitus *ABT*: licebit *N* (*explicit*) 270-71 Et nota . . . uersus] Item hii sunt quidam (quinque *A*) casus que non debent audiri a minore sacerdote nisi super hoc licentiam ab episcopo habuerit set sunt mittendi ad episcopum uel ad papam secundum quod in hiis uersibus continentur *ABT*

257-59 Caueat . . . predicta: See above, introduction, at n. 79. See also Synod of Paris, 35 (Pontal, 64); Synod of Angers, 77 (Pontal, 192); T. of Chobham, *Summa conf.*, pp. 322-23.

259-60 Non . . . calcaneum: Pseudo-Jerome, *Commentarius in Evangelium secundum Marcum* 9 (PL 30:616C; 2d ed. 638C): "Non sanat oculum, quod calcaneo adhibetur"; see P. of Poitiers, *Summa de conf.* 55-A (ed. Longère, p. 77); P. of Hungary, *De conf.*, p. 197: "propria adhibenda est medicina. non enim sanat oculum. quod sanat calcaneum"; Raym., *Summa* 3.34.37, col. 837.

261-64 Vel . . . etc.: Mt 25:42: "Esurivi enim, et non dedistis mihi manducare: sitivi, et non dedistis mihi potum."

265-69 Nota . . . licenter: Cf. Jean Pierre Renard, *Trois sommes de pénitence de la première moitié du XIII^e siècle*, 2 vols. (Louvain-la-Neuve, 1989), 1:186 n. 15.

270-75 Et nota . . . symonia: See the shorter list of reserved sins in the Synod of Paris, 29-30 (Pontal, 62), with the omission of "vota fracta." Cf. Robert of Courçon's legatine synod at Paris (1212): "Incestum faciens, deflorans, aut homicida, / Pontificem queras: papam, si miseris ignem. / Sacrilegus, patris percussor, vel sodomita, / Si percussisti clericum: Simonve fuisti" (Mansi 22:678); Renard, *Trois sommes* 1:239 and 289.

275 Si facit incestum, defloret, aut homicida,
 Sacrilegus, patrum percussor, uel sodomita,
 Pontificem querat papam si miserit ignem,
 Clerici percussor fuerit quoque uel symonia.

In fine quoque generalis fiat confessio, et a sacerdote absolutio detur, quoniam quilibet sacerdos potest absolvere peccatores uel excommunicatum in articulo mortis, tamen iuret stare mandatis ecclesie. Et hec de huiusmodi dicta sufficiant.

280 Explicit Summa penitentie fratrum predicatorum.

272 facit] facis *ABT* defloret . . . homicida *om. T* defloret] deflores *AB* 273 Sacrilegus *om. T* 274 querat] queras *ABT* miserit] miseris *ABT* 275 Clerici . . . symonia] Si percussisti clericum symonue fuisti *A*: Si percussisti clerum symoue fuisti. Et de huiusmodi dicta sufficiant *B*: Si percussisti clerum si symonicus fuisti / Et si falsasti bullam pape / Si partum suffocat autque negligit occidat . . . *T* 276–78 In fine . . . ecclesie *om. A* 276 quoque *om. BT* 277–78 quoniam . . . ecclesie *om. BT* 278–79 Et hec . . . sufficiant *om. BT* 280 Explicit . . . predicatorum *om. ABT*

276–79 In fine . . . sufficiant: See above, introduction, at nn. 81–83.

APPENDIX

Manuscript copies of the "Cum ad sacerdotem"

The "Cum ad sacerdotem" was first noted by Amédée Teetaert among the anonymous "Summae de paenitentia" in the Bibliothèque Nationale in Paris.¹ Teetaert noticed mss 11, 12, 18, 19, and 20 below. He subsequently added no. 27 to the list of manuscripts and demonstrated that the ascription of the work to the Franciscan John Rigaud in ms 11 is mistaken.² Pierre Michaud-Quantin listed mss 1, 2, 5, 15, and 16 in the index of his survey of penitential summae.³ Two years later he called attention to mss 3, 6, 8, 9, 13, 17, 23, 25, 26, and 28 in his edition of a confessional guide ("Confessio debet esse praevisa") associated with

¹ Amédée Teetaert, "Quelques 'Summae de paenitentia' anonymes dans la Bibliothèque Nationale de Paris," in *Miscellanea Giovanni Mercati* 2, Studi e testi 122 (Vatican City, 1946), 311–43 at 330–34.

² Idem, "La 'Formula Confessionum' du Frère Mineur Jean Rigaud († 1323)," in *Miscellanea historica in honorem Alberti de Meyer*, 2 vols. (Louvain, 1946), 2:651–76 at 674–76.

³ Pierre Michaud-Quantin, *Sommes de casuistique et manuels de confession au moyen âge (XII–XVI siècles)* (Louvain, 1962), <117>.

Hugh of St. Cher and the Dominicans of St. Jacques in Paris.⁴ Morton Bloomfield and his collaborators refer to the work of Teetaert and to the earlier of Michaud-Quantin's two studies, but they ignore many of the manuscripts listed there. They add references to MSS 10, 14, 21, 22, 24, and 29.⁵ Neil R. Ker noted another copy of the text (no. 7 below) in the Library of Gloucester Cathedral.⁶ Finally, Leonard E. Boyle called attention to the copy (no. 4 below) in Dublin, Trinity College 326, with its ascription to the Dominican Friars.⁷

1. Bamberg, Staatsbibliothek Msc. Theol. 106 (Q.III.31^a), fols. 41vb–44vb, s. xv. Paper quarto, 2 cols., 47 lines. From the Dominican house in Bamberg.

Title: Incipit Summa de confessione.

Incipit: Cum ad sacerdotem

Explicit: generalis detur absolucio.

The text is preceded by another confessional guide on fols. 41ra–41vb: "Incipit Summa de penitentia qualiter se debet habere confessor et confitens in confessione. Hec est forma confessionis generalis. Ego miser peccator confiteor deo omnipotenti et beatissime marie virgini . . ." (see Bloomfield, *Incipits*, no. 1890). It is followed immediately by five lines of verse, beginning "Sit simplex humilis confessio pura," and then on fols. 45ra–52vb by a work beginning "(Incipit prologus super penitentia que mirabiliter ignorantes instruit sacerdotes) Quoniam nisi multorum et maxima rudium sacerdotum versatur. . . ." See *Katalog der Handschriften der königlichen Bibliothek zu Bamberg*, ed. Friedrich Leitschuh and Hans Fischer (Bamberg, 1895–1906), 1.1:666–71.

2. Bamberg, Staatsbibliothek Msc. Theol. 108 (Q.III.25), fols. 287rb–291va, s. xv. Paper quarto, 2 cols., 38 lines. From the Dominican house in Bamberg.

Title: Incipit Summa de confessione.

Incipit: Cum ad sacerdotem

Explicit: generalis detur absolucio.

The text is accompanied by the works in Bamberg 106, above: "Incipit Summa de penitentia," fols. 286ra–287rb; "Incipit prologus," fols. 291vb–302ra. See *Katalog* 1.1:676–78.

⁴ Idem, "Deux formulaires pour la confession du milieu du XIII^e siècle," *Recherches de Théologie ancienne et médiévale* 31 (1964): 43–62 at 48–52.

⁵ Morton W. Bloomfield et al., *Incipits of Latin Works on the Virtues and Vices, 1100–1500 A.D.* (Cambridge, Mass. 1979), no. 1032. Note that Paris, Bibliothèque Nationale lat. 3265A is listed as "3665A," and that the text of "Cum ad sacerdotem" is erroneously said to have been "printed" by Teetaert.

⁶ *Medieval Manuscripts in British Libraries: 2. Abbotsford–Keele* (Oxford, 1977), 961–63.

⁷ Leonard E. Boyle, "Notes on the Education of the *Fratres communes* in the Dominican Order in the Thirteenth Century," in *Xenia mediæ ævi historiam illustrantia oblata Thomae Kaeppeli O.P.*, 2 vols. (Rome, 1978), 1:253 n. 10; rpt. in his *Pastoral Care, Clerical Education and Canon Law, 1200–1400* (London, 1981).

3. *B* = Berlin, Staatsbibliothek Preußischer Kulturbesitz Theol. lat. fol. 152, fols. 93va–95ra, s. xiii ex. Parchment quarto, 2 cols., 56 lines.

Incipit: Cum ad sacerdotem

Explicit: a sacerdote absolucio detur.

The text is preceded by Hugh of St. Cher's exposition of the Mass (fols. 87ra–91rb), several paragraphs on the canonical hours and the sacraments (fols. 91rb–92vb), and the Dominican treatise "Confessio debet esse previsa" edited by Michaud-Quantin, "Deux formulaires" (fols. 92vb–93va), all written without a break in the manuscript. "Cum ad sacerdotem" follows, also without a break, and is followed by nine lines beginning "Confessor debet esse dulcis increpando peccatorem." A short treatise on fol. 95ra–b, entitled "Ad quid prosunt bona opera in mortali peccato," completes the codex; the work begins "Bona opera facta in mortali peccato valent ad sequentia" and ends "si continue mala exerceret." See *Die Handschriften-Verzeichnisse der königlichen Bibliothek zu Berlin: Verzeichniss der lateinischen Handschriften*, vol. 2.1, ed. Valentin Rose (Berlin, 1901), 319–21.

4. *D* = Dublin, Trinity College 326, fols. 28rb–31vb, s. xiii/xiv. Parchment octavo, 2 cols., 36 lines.

Title: Incipit summa penitentie fratrum predicatorum.

Incipit: Cum ad sacerdotem

Explicit: Et hec de huiusmodi dicta sufficiant.

Colophon: Explicit summa penitentie fratrum predicatorum.

The codex comprises a number of theological and pastoral texts, mostly of Dominican inspiration. These include Paul of Hungary's "Summa de confessione," Hugh of St. Cher's "Speculum ecclesie," Peter Sampson's "Summa de sacramentis," Martin of Poland's "Chronicon summorum Pontificum et Imperatorum," and Rolandus Passagerius's "Aurora seu Opusculum de Testamentis." See Marvin L. Colker, *Trinity College Library Dublin: Descriptive Catalogue of the Mediaeval and Renaissance Latin Manuscripts*, 2 vols. (Dublin, 1991), 1:659–64.

5. Erlangen, Universitätsbibliothek 548, fols. 299v–300v, s. xv. Paper quarto, 1 col., 45 lines. From the Franciscan convent, Erlangen.

Title: Qualiter se debeat habere confessor erga confitentem et inquisitiones facere sub cautela.

Incipit: Cum ad sacerdotem

Explicit (line 269): Qui petit is peccat redditque licenter.

The text is preceded by a copy of John Rigaud's "Summa confessionis" (fols. 271r–299r). It is followed by notes on reserved cases: "Item nota quod sunt quidam casus qui non debent audiri a sacerdote nisi super eo habet licenciam episcopi" (fols. 300v–301r); a paragraph on the sacraments: "Item nota quod septem sunt sacramenta ecclesie"; and a treatise beginning "Uidendum est de vno quoque peccato quando sit mortale et quando veniale" (fols. 301r–302r; Bloomfield, *Incipits*, no. 3636). See *Katalog der Handschriften der Universitätsbibliothek Erlangen: 2. Die lateinischen Papierhandschriften*, ed. Hans Fischer (Erlangen, 1936), 187–91.

6. Erlangen, Universitätsbibliothek 549, fols. 269v–273r, 1443. Paper octavo, 1 col., 26 lines.

Incipit (lines 60–61): Notandum quod inter septem peccata mortalia prior est superbia

Explicit: a sacerdote generalis detur absolucio.

The text comprises chapters three to ten of a “*Tractatus bonus de confessione*” (fols. 268v–275r). Chapters one and two of this *tractatus* contain the treatise “*Confessio debet*,” associated with Hugh of St. Cher. Chapters eleven and twelve contain the treatise “*Ad habendum salutiferae confessionis ordinem*.” Both texts are edited by Michaud-Quantin, “*Deux formulaires*.”

On fol. 271r the scribe has glossed our lines 175–77, on the propensity of the French to take God’s name in vain, with the words “*et maxime hoc faciunt Flamingi*.” See *Katalog*, 191–96.

7. G = Gloucester, Cathedral Library 27, fols. 21v–22v, s. xiii ex. Parchment octavo, 1 col., 38 lines.

Incipit: Cum ad sacerdotem

Explicit (line 109): uel ex fabulacione. [Fourteenth-century hand adds] Qui vero uult continuam custodire corporis sanitatem custodiat stomachum ne nimium sumat cibum; sincera enim medicina et perfecta est abstinencia.

The treatise is preceded by five unscribed works of pastoral and moral theology, including the “*De ordine, numero et significatione sacerdotalium indumentorum*” of Pseudo-Aquinas, and an excerpt from Martin of Braga’s “*Formula vitae honestae*.” It is followed by a copy of Innocent III’s “*De miseriis*,” Hugh of St. Cher’s “*Speculum ecclesie*,” various meditational tracts, and a copy of Robert Grosseteste’s “*De decem mandatis*.” See *Medieval Manuscripts in British Libraries: 2. Abbotsford–Keele*, ed. N. H. R. Ker (Oxford, 1977), 961–63.

8. Göttweig, Stiftsbibliothek 202 (145), fols. 74vb–77vb, s. xiv. Paper. We have not examined this codex; see Michaud-Quantin, “*Deux formulaires*,” 49.

9. Karlsruhe, Badische Landesbibliothek Ettenheim-Münster 29, fols. IXr–Xlv, s. xv. Paper quarto, 1 col., 34 lines.

Incipit: Cum ad sacerdotem

Explicit: a sacerdote absolucio detur.

The text is contained in a quire of twelve folios that has been added to the beginning of the codex; these folios are numbered separately. Three short penitential tracts precede our text in this gathering. The first begins “*Ad integritatem confessionis tria notanda sunt*” (fols. IIr–Vr; cf. Bloomfield, *Incipits*, no. 0247). The second begins “*Confitenti primo dicendum est*” (fols. Vr–VIv; cf. Bloomfield, *Incipits*, no. 0926). The third is a copy of the “*Confessio debet*” associated with Hugh of St. Cher (fols. VIv–IXr). Our text, the “*Cum ad sacerdotem*,” is followed by a brief treatment (fols. XIv–XIIr) of the qualities of a confessor: “*Confessor debet esse dulcis increpando peccatore*.” See *Die Handschriften der Badischen Landesbibliothek in Karlsruhe: 9. Die Handschriften des Klosters Ettenheim-Münster*, ed. Karl Preisendanz (Karlsruhe, 1932; rpt. 1973), 15, 99–100.

10. *K* = Klagenfurt, Studienbibliothek Pap. 76, 118va–119va, s. xv. Paper quarto, 2 cols., 34 lines.

Incipit: Cum ad sacerdotem

Explicit (incomplete in line 73): verbera contumeliosa et / /

This manuscript is a composite, written by several scribes. The hand that copied "Cum ad sacerdotem" also copied a "Tractatus brevis moralis de septem vitiis et virtutibus," beginning "Misit rex Saul apparitores" (see Bloomfield, *Incipits*, no. 3085) on fols. 100r–118r, and a description of alms ("Nota elemosina est . . .") on fol. 119va. The manuscript comprises sermons, theological and liturgical notes, and confessional treatises. Information on this codex was provided by Dr. Jonathan Black, courtesy of the Hill Monastic Manuscript Library.

11. London, British Library Arundel 379, fols. 23r–26r, s. xiv. Parchment quarto, 1 col., 35 lines.

Incipit: Cum ad sacerdotem

Explicit: confessio fiat et a sacerdote absolucio detur.

Fol. 25 consists of a small additional leaf containing only nine lines of text. The "Cum ad sacerdotem" is followed immediately by seven lines on reserved cases ("Si quis confitetur se credere hereticam pravitatem"), by eleven lines on murder ("Item illi qui suos filios occidunt studiose vel negligenter"), and by six lines on the sacraments ("Item nota quod septem sunt sacramenta ecclesie"). An ascription to John Rigaud, "Explicit formula confitentis edita a fratre Johanne Rigaudi, de ordine minorum, domini pape penitentiario," is found at the bottom of fol. 26r. This ascription properly belongs to the tract that precedes ours, the authentic "Formula confessionum" of John Rigaud, copied here in two columns, in a slightly earlier hand.

Also included in the codex is an extract concerning mortal and venial sins, "Tractatus de compendio theologie ad demonstrandum quando septem vicia sunt mortalia et quando non" (Bloomfield, *Incipits*, no. 3636), and the "Commonitorium directivum simplicium volentium pure et integraliter confiteri, complilatum a fratre Henrico de Alemania, ordinis fratrum S. Augustini et in sacra pagina magistro" (ibid., no. 1276), copied by the priest John Arfelt in 1349. See *Catalogue of Manuscripts in the British Museum*, n.s., pt. 1.1: *Catalogue of the Arundel Manuscripts in the British Museum* (London, 1834), 111–12.

12. *A* = London, British Library Arundel 406, fols. 17r–20v, s. xiv/xv. Parchment quarto, 1 col., 28 lines.

Title: Hic incipit liber confessionum.

Incipit: Cum ad sacerdotem

Explicit: De hiis dicta sufficient.

The text is followed by "Versus: Confessor dulcis affabilis atque suavis . . ." (fol. 20v); "Domino rogaui te ne deneges michi . . ." (fols. 20v–21r); "Ex superbia procedit uana gloria, elacio . . ." (fol. 21r). After the first nine lines of fol. 21r the text is divided into two columns containing a tract beginning "Sacramentum dicitur sacre rei signum cuius similitudinem gerit et causa existit. . . ."

This small codex (30 fols.) opens with a "Tractatus ad laudem et gloriam beate . . . Marie." The "Cum ad sacerdotem" and its appendices are followed by "Miracula B. Mariae Virginis triginta," by a table of holy days from the year 1273 ascribed "Hugonis cuiusdam," and by several saints' Lives. See *Catalogue*, 117–18.

13. London, British Library Royal 8.D.xiv, fols. 2r–2v, s. xiv. Parchment quarto, 1 col., 48 lines.

Incipit: Cum ad sacerdotem

Explicit (line 274): si miserit ignem.

This copy contains only a few lines of our text, scattered throughout a confessional formula comprising excerpts from several works. It is preceded by the "Confessio debet" on fols. 1r–2r. Fols. 1 and 2 form an insertion in the codex and are written in a hand very different from the rest of the volume. See *British Museum: Catalogue of Western Manuscripts in the Old Royal and King's Collections*, ed. George F. Warner and Julius P. Gilson, 4 vols. (London, 1921), 1:249.

14. London, British Library Sloane 1253, fols. 1r–(103v), s. xv. Parchment octavo, 1 col., 17 lines.

Title: Incipit Liber de confessione.

Incipit: Cum ad sacerdotem

Explicit (line 275): quòque vel symonia (fol. 67v).

The confessional treatise comprised in the codex is composed of borrowings from numerous penitential and pastoral tracts, most written in Latin but some in English. Excerpts from "Cum ad sacerdotem" are found on fols. 1r–2r, 3v–5r, and 67r–68r. Excerpts from the tract "Confessio debet," associated with Hugh of St. Cher, begin on fol. 2r. No adequate catalogue description exists.

15. Lyon, Bibliothèque Municipale 784 (701), fols. 111r–114v, s. xv. Paper octavo. From the Carmelite convent in Lyon. Noted by Michaud-Quantin, *Sommes*, p. <117>; we have not examined this codex. See *Catalogue général des manuscrits des bibliothèques publiques de France: Départements*, vol. 30 (Paris, 1900), 212–14.

16. Munich, Bayerische Staatsbibliothek Clm 11887, fols. 144r–148v, s. xv. Parchment quarto, 1 col., 31 lines.

Title: Incipit liber de summa penitentia.

Incipit: Cum ad sacerdotem peccator accesserit

Explicit: Absolvo te . . . et Spiritus Sancti.

Colophon: Explicit summa penitentiae Deo gratias.

The text begins a new gathering of the codex. It is preceded by a blank page and bears an old folio no. "16." The beginning of "Confessio debet" (ed. Michaud-Quantin, "Deux formulaires") is interpolated on fol. 144r–v. This copy ends with two forms of absolution (fol. 148v): "Absolvo te ab omni excommunicatione tam maiori quam minori . . .," and "Absolvo te ab omni excommunicatione si qua ligatus es. . . ." See *Catalogus codicum latinorum Bibliothecae Regiae Monacensis*, ed. Carolus Halm et al., vol. 2.2 (Munich, 1876; rpt. Wiesbaden, 1968), 45.

17. Oxford, Bodleian Library Laud Misc. 512, fols. 158v–161r, s. xv. Parchment quarto, 1 col., 32 lines.

Incipit: Cum ad sacerdotem

Explicit (line 256): et alio modo lacerando corpus.

The text follows immediately upon a copy of the "Confessio debet." Additions to the text on fols. 161r–168v include a discussion of the works of mercy, of reserved cases, and of excommunications. See *Catalogi codicum manuscriptorum Bibliothecae Bodleianae partis secundae fasciculus primus*, ed. Henricus O. Coxe (Oxford, 1858), 369–70.

18. Paris, Bibliothèque Mazarine 924 (427), fols. 106vb–108ra, s. xiv. Parchment folio, 2 cols.

Title: De modo audiendi confessiones et confitendi et penitentias iniungendi.

Incipit: Cum peccator ad sacerdotem accesserit

Explicit: detur absolutio peccatorum sic: Absolvo te . . . et Spiritus Sancti Amen.

The copies of "Cum ad sacerdotem" in this codex and in the other Mazarine manuscript (below) contain many omissions and additions, especially in the treatment of the seven sins. The text concludes with a general absolution beginning "Absolvo te de omnibus peccatis mihi confessis et ab omni excommunicatione si qua ligatus es. . . ." The text of "Cum ad sacerdotem" constitutes the second part of a composite treatise, described in the introduction above at n. 8. See *Catalogue des manuscrits de la Bibliothèque Mazarine*, ed. A. Molinier (Paris, 1885), 1:434–35.

19. Paris, Bibliothèque Mazarine 986 (122), fols. 139ra–141ra, s. xiv. Parchment folio, 2 cols.

Incipit: Cum peccator ad sacerdotem accesserit

Explicit: detur absolutio peccatorum sic: Absolvo te . . . et spiritus Sancti Amen.

The text of the "Cum ad sacerdotem" is very similar to that in Mazarine 934 (427); that copy would seem to derive from this one.

20. *P* = Paris, Bibliothèque Nationale lat. 3265A, fols. 18r–21r, s. xv. Paper quarto, 1 col., 35 lines.

Title: Incipit tractatus confessionis qualiter peccator sit interrogandus et consulendus a sacerdote.

Incipit: Cum a sacerdote

Explicit (line 268): menstrua partus.

The "Cum ad sacerdotem" is preceded by a "Summa de casibus et interrogationibus peccatorum" beginning "Nota de sex casibus qui pertinent ad episcopum" and ending with a discussion of marriage (fols. 1r–18r; Bloomfield, *Incipits*, no. 3387). The "Cum ad sacerdotem" is followed, on fol. 21v, by an eight-line poem beginning "Fur raptor symon usurans pignora tollens." The exposition of this poem, concerned with reserved cases, occupies fols. 21v–31r. A copy of the "Summa in foro penitentiali" (fols. 31r–90v), sometimes attributed to Berengar Fredol, completes

the fifteenth-century portion of the codex. See *Bibliothèque Nationale: Catalogue général des manuscrits latins*, vol. 4 (Paris, 1958), 465–68.

21. *N* = Paris, Bibliothèque Nationale lat. 3479, fols. 1ra–2ra, s. xiii med. Parchment octavo, 2 cols., 44 lines.

Incipit: Cum ad sacerdotem

Explicit (line 267): modo conditione loco.

This small codex, containing only 32 folios, was written by a single scribe, perhaps in the south of France, in a hand of the mid-thirteenth century. It is a collection of short sermons (by Bede, Geoffrey Babion, Alan of Lille, etc.), sermon notes, and *distinctiones* on sermon themes. One of the notes is drawn from the beginning of an anonymous thirteenth-century gloss on Lombard's *Sentences*: "Verbum est Helisei quod posuit in ore pueri sui Giezi. . . . Hic quartus liber Sententiarum dividitur. . . ." Our text quotes only a few lines; the only full copy of this work known to us is found in a thirteenth-century codex, Vat. lat. 691 in the Biblioteca Apostolica Vaticana, Vatican City.

The "Cum ad sacerdotem" is the first work in this codex. The scribe adds at the end of the text several lines of verse on confession ("Primo blanditur, post querit, postea terret . . . aut lacrimare dabit") and on the eucharist ("Constat in altari carnem de pane creari . . . pena paratur"). See *Bibliothèque Nationale: Catalogue général des manuscrits latins*, vol. 5 (Paris, 1966), 481–85.

22. Prague, Universitní knihovna (University Library) VIII G 31 (1614), fol. 65v, s. xv. Parchment octavo, 1 col., 54 lines.

Incipit: Cum ad sacerdotem

Explicit (line 54): magnitudo peccatorum est ei insinuanda.

Colophon: Explicit.

These lines from the beginning of "Cum ad sacerdotem" are followed, without a break, by miscellaneous penitential instructions beginning "Apologo ego" and ending imperfectly in the midst of a confessional prayer: "Confiteor Deo et beate Marie . . . nec eos ad celos cum" (fols. 65v–71v). See *Catalogus codicum manuscriptorum latinorum qui in C.R. bibliotheca publica atque Universitatis Pragenis asservantur*, ed. Joseph Truhlář, 2 vols. (Prague, 1905–6), 600.

23. Strasbourg, Bibliothèque Nationale et Universitaire 39, fols. 201va–203rb, s. xv. Paper, 2 cols., 56 lines.

Title: Hic sequitur de confessione.

Incipit: Confessio debet esse praevisa.

The confessional formulary on folios 201–203 is an amalgamation of the "Confessio debet" and the "Cum ad sacerdotem." Excerpts from the "Cum ad sacerdotem" concerning the five senses, the seven sins, and the circumstances of sins are interwoven throughout the text. See Michaud-Quantin, "Deux formulaires," 50.

24. *S* = Toulouse, Bibliothèque Municipale 340, fols. 255r–269v, s. xiii. Parchment octavo, 3 cols., 27 lines.

Incipit: Dum ad sacerdotem

Explicit (line 172): sortilegium pro rebus.

The text is copied in the central of three equal-sized columns and flanked by a gloss, in the same hand as the text, beginning "Si uero aliquis beneficium recipit ecclesiasticum tenetur deseruire illi ecclesie." A catchword at the bottom of fol. 269v suggests that the text and gloss continued onto a second quire, now lost. On fol. 263va the gloss reads "Require in . . . textu, in qua ponitur modus in quo peccat maritus abutens uxorem," thus indicating that the text originally included the verses printed here as lines 266–69. The glossator would appear to know the *Summa de confessione* of Paul of Hungary, O.P.; his exposition of the eight species of lies (fols. 266r–267r) is closely related to Paul's treatment of the subject.

The text and gloss fill a single gathering of this composite manuscript. They are preceded by three collections of sermons and followed, in different hands, by copies of Robert Grosseteste's treatise *Templum Dei* and a collection of the writings of John of Wales. See *Catalogue général des manuscrits des bibliothèques publiques des départements*, vol. 7 (Paris, 1885), 196–97.

25. T = Trier, Stadtbibliothek 691/253, fols. 274va–279va, s. xv. Paper octavo, 2 cols., 28 lines.

Title: Hic incipit secundus liber confessionis.

Incipit: Cum ad sacerdotem

Explicit: detur et a sacerdote absolucio.

The text is preceded by a copy of the "Confessio debet esse," attributed on fol. 270vb to Hugh of St. Cher, and followed by short notes for the confessor: "Confessor debet esse dulcis" (fol. 279va); "Isti sunt excommunicati . . . ipso iure" (fol. 279vb); "Nota quod licite potest verberare clericus" (fol. 280rb); "Isti sunt excommunicati maiori excommunicacione" (fol. 280va); "Ad episcopum mittuntur incendarii" (fol. 280vb); "Verberans clerum potest absolui ab alio" (fol. 281ra); "Qui excommunicati ipso iure uel facto" (fol. 281rb); "Isti sunt mittendi ad episcopum" (ibid.); "Hec est forma absolucionis et dispensacionis" (fol. 281vb); "De hiis qui occidet" (fol. 281ra); "De puero mortuo et non baptisato" (fol. 282va); "De penitentia iniungenda quia prolem in ventrem occidunt" (fol. 282vb); "De paruulis qui statim baptisandi sunt" (fol. 283ra); "De mulieribus que corpus Domini ore retinent et osculant viros suos" (fol. 283rb); "Fornicationis penitentia est septem annos saltem" (ibid.); etc. See *Beschreibendes Verzeichnis der Handschriften der Stadtbibliothek zu Trier*, ed. Max Keuffer et al., 10 vols. (Trier, 1888–1931), 6:39.

26. Trier, Stadtbibliothek 763/312, fols. 137vb–140rb, s. xv. Paper quarto, 2 cols., 39 lines.

Incipit: Cum penitens ad sacerdotem suum accesserit

Explicit: In fine fiat generalis contritio uel confessio et a sacerdote absolucio detur.

The gathering containing our text begins with a copy of the "Confessio debet" (fols. 136ra–137vb). The "Cum ad sacerdotem" is followed by notes on the qualities of a confessor: "Item sacerdos uel confessor debet esse increpando benignus" (fol. 140rb), and seven lines on good works performed by one remaining in mortal sin: "Item nota, bona opera facta in peccato mortale valet ad sequencia." See *Beschreibendes Verzeichnis* 6:90.

27. V = Vatican City, Biblioteca Apostolica Vaticana Vat. lat. 1161, fols. 41rb–44va, 1349. Parchment octavo, 2 cols., 32 lines.

Incipit: Cum ad sacerdotem

Explicit: a sacerdote absolutio detur.

The text is preceded by a copy of the “Formula confessionum” attributed to Johannes Rigaldi, O.F.M. (John Rigaud), who died in 1323 (fols. 1ra–41rb). It is followed by a brief discussion of reserved cases: “Casus episcopi si confitebitur quis se incurrere hereticam prauitatem . . .” (fols. 44va–45ra). On fol. 45ra the scribe notes, “Anno domini millesimo trecentesimo quadagesimo nono finitus est liber iste in vigilia natiuitatis Christi. Per manus Iohannis sacerdotis.” See *Bybliothecae Apostolicae Vaticanae Codices Vaticani latini (codices 1135–1266)*, ed. M.-H. Laurent (Vatican City, 1958), 34–35.

28. Vienna, Österreichische Nationalbibliothek 4659, fols. 57v–60v, s. xv. Paper quarto, 1 col., 35 lines.

Incipit: Cum ad sacerdotem

Explicit: In fine fiet generalis confessio et a sacerdote detur absolutio.

“Cum ad sacerdotem” is preceded by the treatise “Confessio debet” (fols. 56r–57v). It is followed by a list of reserved cases and discussions of various penitential questions: “In quibus casibus ad episcopum uel papam mittendus. Hic sunt quidam casus qui non debent audiri a minori sacerdote . . .” (fols. 60v–63v). An ascription to Hugh of St. Cher on fol. 63v, “Explicit Liber de confessione Hugonis cardinalis,” seems to encompass all the texts in this gathering (fols. 56r–63v). See *Tabulae codicum manu scriptorum . . . in Bibliotheca Palatina Vindobonensi asservatorum* (Vienna, 1864–99; rpt. Graz, 1965), 3:337–39.

29. Windsheim, Ratsbibliothek 62, fols. 61v–64v, ca. 1376. Paper octavo.

Title: Alia summula docens de quibus sit et qualiter confitendum et quomodo se debeant in facienda confessione habere tam penitens quam confessor.

Incipit: Cum ad sacerdotem.

We have not examined this codex. See *Die Handschriften der Augustiner-Eremiten und Weltgeistlichen in der ehemaligen Reichsstadt Windsheim*, ed. Erich Stahleder (Würzburg, 1963), 108–12.

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HUMANISM AND ETHICS AT THE SCHOOL OF ST. VICTOR IN THE EARLY TWELFTH CENTURY

C. Stephen Jaeger

The humanism of the twelfth century shares with that of the fifteenth a program of learning that combines the arts of language with the discipline of conduct.¹ The term that conveys this program in the eleventh and twelfth centuries is “letters and manners” (*litterae et mores*). It is so widespread in descriptions of curriculum and teaching as to suggest comparison with the formula of contemporary liberal education in America, “arts and sciences,” and I have found it to be one of the best lexical guides to studying the learning of the cathedral schools.²

“Letters” are easier to study and have dominated in modern scholarship.³ *Mores, ethica, moralitas* are hard to study. *Mores* constituted a curriculum oriented more to the person of the teacher than to text books. It is the discipline of behavior, manners, something inherently ephemeral, whose formulation is closer to literature than to discursive philosophy, and whose

¹ Leonardo Bruni defined the *studia humanitatis* in terms of this combination. See his letter to Niccolò Strozzi: “Let your study be twofold, first in the skill of letters . . . and second in the knowledge of those things which pertain to life and *mores*. These two are therefore called the humanities, because they perfect and adorn a human being” (“Studium vero tibi sit duplex, alterum in litterarum peritia . . . alterum in cognitione earum rerum quae pertinent ad vitam et mores, quae propterea humanitatis studia nuncupantur, quod hominem perficiant atque exornent,” ed. Eugenio Garin, *La disputa delle arti nel quattrocento* [Florence, 1947], 7). On the study of *mores* in the Renaissance, see Paul Oskar Kristeller, “The Moral Thought of Renaissance Humanism,” in his *Renaissance Thought II: Papers on Humanism and the Arts* (New York, 1965), 20–68; see also William Harrison Woodward, *Studies in Education During the Age of the Renaissance, 1400–1600* (Cambridge, 1924), 100 (referring to Rudolf Agricola’s letter now called *De formando studio*): “‘Mores,’ conduct and principle, are placed above knowledge. They are the end to which all else leads up. But the place of Letters in relation to conduct is all-important, for character is moulded and strengthened by the study . . . of great examples. . . .” The best work on ethical training in the twelfth century is a series of studies by Philippe Delhay, “L’enseignement de la philosophie morale au XII^e siècle,” *Mediaeval Studies* 11 (1949): 77–99; “‘Grammatica’ et ‘ethica’ au XII^e siècle,” *Recherches de Théologie ancienne et médiévale* [RTAM] 25 (1958): 59–110.

² See my article, “Cathedral Schools and Humanist Learning, 950–1150,” *Deutsche Vierteljahrsschrift für Literaturwissenschaft und Geistesgeschichte* 61 (1987): 569–616.

³ See the study by Rolf Köhn, “Schulbildung und Trivium im lateinischen Hochmittelalter und ihr möglicher praktischer Nutzen,” in *Schulen und Studium im sozialen Wandel des hohen und späten Mittelalters*, ed. Johannes Fried, Vorträge und Forschungen 30 (Sigmaringen, 1986), 203–84.

historical recovery poses problems comparable to the reconstruction of a stage performance from only the scenario and a few notes on the rehearsals. Ethical education at cathedral schools was regarded as more important than its partner, letters.⁴ But important or not, it produced no primary texts.

The same is not true of the houses of canons regular that burgeoned since the end of the eleventh century.⁵ These communities based the instruction of novices on spiritual formation according to several documents that went under the name "Rule of St. Augustine,"⁶ according to Carolingian customs formulated in the *Regula canoniorum* of Aix from 816, and according to customs formulated by individual communities for their own use, often leaning on the previously mentioned documents and the Rule of St. Benedict. The command of St. Augustine that each canon should make himself an example for all others to imitate translated into formal arrangements and an ethos of life in which virtually the entire house could regard itself as a school.⁷ The duty of teaching through example was for canons regular what pastoral duties were for secular clergy. It also distinguished them from monastic communities, in which teaching and learning had a very different status and could not be regarded as an entirely legitimate activity of monks.⁸

⁴ John of Salisbury claimed in the *Metalogicon* that any philosophy that did not bear fruit in *cultus virtutis* and the guidance of conduct was "futile and false" (*Joannis Saresberiensis episcopi Carnotensis Metalogicon*, prologue, ed. Clemens C. I. Webb (Oxford, 1929), 4. Cf. also *ibid.* 1.24, p. 55 (ethics, which confers *decoris gratia*, the most excellent of the branches of learning).

⁵ See the fundamental works by Charles Dereine, *Les chanoines réguliers au diocèse de Liège avant Saint Norbert*, Mémoires, Académie royale de Belgique, 2d ser., vol. 47 (Brussels, 1952); "Chanoines," in *Dictionnaire d'histoire et de géographie ecclésiastiques*, vol. 12 (Paris, 1953), 353-405; "Vie commune, règle de saint Augustin et chanoines réguliers au XI^e siècle," *Revue d'histoire ecclésiastique* [RHE] 41 (1946): 365-406; "Les origines de Prémontré," RHE 42 (1947): 352-78; see also J. C. Dickinson, *The Origins of the Austin Canons and Their Introduction into England* (London, 1950); Caroline Walker Bynum, *Docere verbo et exemplo: An Aspect of Twelfth-Century Spirituality*, Harvard Theological Studies 31 (Missoula, Montana, 1979); eadem, "The Spirituality of Regular Canons in the Twelfth Century: A New Approach," *Medievalia et Humanistica*, n.s., 4 (1973): 3-24; Jean Châtillon, "La crise de l'église aux XI^e et XII^e siècles et les origines des grandes fédérations canoniales," *Revue d'histoire de la spiritualité* 53 (1977): 3-45; M.-D. Chenu, "Monks, Canons, and Laymen in Search of the Apostolic Life," in his *Nature, Man, and Society in the Twelfth Century: Essays of New Theological Perspectives in the Latin West*, trans. Jerome Taylor and Lester K. Little (Chicago, 1968), 202-38; Ludo Milis, "Ermîtes et chanoines réguliers au XI^e siècle," *Cahiers de civilisation médiévale* 22 (1979): 39-80.

⁶ On the so-called Rule of St. Augustine, see Luc Verheijen, *La Règle de saint Augustin*, 2 vols. (Paris, 1967).

⁷ Bynum's *Docere verbo et exemplo* is the standard study of this phenomenon and the works that express it.

⁸ See for instance Bynum, *Docere verbo et exemplo*, 4-5, 18-21; Philippe Delhayé, "L'organisation scolaire au XII^e siècle," *Traditio* 5 (1947): 225-34.

These communities produced two kinds of documents that are the best evidence for education in *mores* from the twelfth century: the *consuetudines* of the house,⁹ which ordinarily include detailed instructions for the reception, initiation, and instruction of novices; and tracts that reflect on the nature and goals of the training of novices.¹⁰ The earliest of these is Hugh of St. Victor's *De institutione novitiorum* written probably in the early 1120s.¹¹

The community of canons regular at St. Victor of Paris in the first half of the twelfth century has left the best documentation on ethical training from the period. The combination of its richly detailed customary, the *Liber ordinis Sancti Victoris*,¹² and Hugh's *De institutione* gives us a uniquely clear picture of this instruction from the heyday of medieval humanism in France. Reading these works along with other tracts and letters from St. Victor gives us a picture of the life and teaching in that community united by a common core of ethical thought and a common ethical motive.¹³

⁹ On customaries, see Dereine, "Chanoines," 386–91; idem, "Coutumiers et ordinaires de chanoines réguliers," *Scriptorium* 5 (1951): 107–13; idem, "Les coutumiers de Saint-Quentin de Beauvais et de Springiersbach," *RHE* 43 (1948): 411–42; idem, "Saint-Ruf et ses coutumes aux XI^e et XII^e siècles," *Revue bénédictine* 59 (1949): 161–82; Josef Siegwart, *Die Consuetudines des Augustiner-Chorherrenstiftes Marbach im Elsass (12. Jahrhundert)*, Spicilegium Friburgense 10 (Freiburg, 1965), 4–14.

¹⁰ Bynum, *Docere verbo et exemplo*, is the best guide to sources.

¹¹ On the date of the work, see Damien Van den Eynde, *Essai sur la succession et la date des écrits de Hugues de Saint-Victor*, Spicilegium Pontificii Athenaei Antoniani 13 (Rome, 1960), 113–15. Van den Eynde places it just after the *Didascalicon*, that is, prior to 1125. But Roger Baron is sceptical about a specific dating: *Études sur Hugues de Saint-Victor* (Paris, 1963), 69–89, esp. 71.

¹² *Liber ordinis Sancti Victoris Parisiensis*, ed. L. Jocqué and L. Milis, CCCM 61 (Turnhout, 1984). See Fourier Bonnard, *Histoire de l'Abbaye royale et de l'ordre des chanoines réguliers de St.-Victor de Paris*, 2 vols. (Paris, 1904–7), 1:47–48; Jean Châtillon, *Théologie, spiritualité et métaphysique dans l'œuvre oratoire d'Achard de Saint-Victor*, Études de philosophie médiévale 58 (Paris, 1969), 63–66. Jocqué is preparing a historical study of the *Liber*.

¹³ On the school of St. Victor, see Bonnard, *Histoire* 1:85–140; Beryl Smalley, *The Study of the Bible in the Middle Ages*, 3d ed. (Oxford, 1983), 83–195; Jean Châtillon, "De Guillaume de Champeaux à Thomas Gallus: Chronique d'histoire littéraire et doctrinale de l'école de Saint-Victor," *Revue du moyen âge latin* 8 (1952): 139–62 and 247–72; idem, "Les écoles de Chartres et de Saint-Victor," in *La scuola nell'occidente latino dell'alto medioevo*, vol. 2, Settimane di studio del Centro Italiano di studi sull'alto medioevo 19 (Spoleto, 1972), 795–839; idem, *Théologie, spiritualité et métaphysique*, 53–85; M.-D. Chenu, "Civilisation urbaine et théologie: L'école de Saint-Victor au XII^e siècle," *Annales* 29 (1974): 1253–63; Jean-Pierre Willesme, "Saint-Victor au temps d'Abélard," *Abélard en son temps: Actes du colloque international organisé à l'occasion du 9^e centenaire de la naissance de Pierre Abélard* (Paris, 1981), 95–105; Stephen C. Ferruolo, *The Origins of the University: The Schools of Paris and their Critics, 1100–1215* (Stanford, 1985), 27–44. Earlier works by E. Michaud, *Guillaume de Champeaux et les écoles de Paris au XII^e siècle* (Paris, 1867), and by Martin Grabmann, *Die Geschichte der scholastischen Methode*, vol. 2 (Freiburg, 1911; rpt. 1957), 229–323, are still valuable.

It also helps fill out an important aspect of the humanism of Hugh of St. Victor, easily overlooked, since it stands in the shadow of his major work on liberal studies, the *Didascalicon*.¹⁴

HUGH ON MORES: *DE INSTITUTIONE NOVITIUM*

The *De institutione* is one of Hugh of St. Victor's most popular works (172 manuscripts have survived, as compared to 125 for the *Didascalicon*) and it is one of his oddest. As a tract of spiritual instruction, it lacks the gravity, coherence, and systematic conception of other representatives of the genre (like Hrabanus Maurus's *De institutione clericorum* and Philip of Harvengt's work of the same title). Regarded alongside comparable works, it appears downright eccentric. It reads like a first draft. The organizing principle is a quotation from Psalm 118: "Bonitatem et disciplinam et scientiam doce me."¹⁵ But the work is exclusively about *disciplina*. Hugh treats *scientia* briefly, essentially as a category of ethical learning,¹⁶ and covers *bonitas* with almost jocular brevity in the final line of the work: "We have said these few things to you, brothers, concerning learning and discipline. As for goodness, pray that God give it to you" ("Haec vobis, fratres, de scientia et disciplina interim nos diximus: Bonitatem vero orate ut vobis det Deus," 952B). From beginning to end the work is about how to behave and how to learn good behavior.¹⁷ Typical of the work's priorities is that the chapter on gesturing takes up six full columns in the *Patrologia* edition (938A–943D), while the chapter on sacred Scriptures takes up nineteen lines, barely half a column (933D–934A).

Its religious intent deserves a more critical analysis than it has received. It is not easy to understand as preparation for the apostolic life. Although this is not the place to treat the question in detail, an example or two

¹⁴ Roger Baron, in his *Science et sagesse chez Hugues de Saint-Victor* (Paris, 1957), defines Hugh's humanism in terms of thought, not behavior. See p. 95: "L'humanisme de Hugues est essentiellement un humanisme de pensée. Il est à la recherche de la vérité."

¹⁵ PL 176:925C.

¹⁶ See PL 176:927A: "[scientia] quae ad institutionem recte et honeste vivendi pertinet. . . ."

¹⁷ Cf. Baron, *Science et sagesse*, p. xxix n. 48: "On pourrait se demander si le contenu de cet ouvrage (qui traite surtout du comportement extérieur) est en accord avec ce que nous savons de Hugues." Baron excuses the work referring to Hugh's comment that everything is worth learning. But the suggestion that it is an inferior work, qualifying for Hugh's authorship by a generous extension of boundaries, does it an injustice. It is in a sense the heart of Hugh's and of Victorine thinking. Jean-Claude Schmitt in his recent book, *La raison des gestes dans l'occident médiéval* (Paris, 1990), also reads the work as aimed basically at externals, and is the first to place it in the context: the decorum of gesturing. He also suggests the proximity of Hugh's lessons to humanism (193–94) and to courtly manners (197). He also points out the importance of the "aesthetic dimension" to Hugh's instruction (178).

can characterize the problem. The purpose of the work, stated in the prologue, is to show the way to God through the "discipline of virtue" to men to whom "all earthly glory and beauty is as a heap of dung" ("... omnem gloriam atque decorem quasi stercora reputatis," 926C). But this purpose is almost wholly absorbed in matters of external conduct. The fervent conjuring of *contemptus mundi* and the apostolic life in the prologue gives way to lessons on walking, talking, gesturing, and eating.

In its second half the work takes on a tone that Hugh himself describes as satirical. In a number of passages he shows a quality I have not found in any other work of his, a sense of humor. Here he describes ill-disciplined gesturing:

Some men are incapable of listening without jaws agape, and as if meaning entered the mind via the mouth they open it wide to take in the words of the speaker. And others (far worse!), when they do something or listen to someone, stick out their tongue like a thirsty dog and revolve it around their mouth like a millstone, twisting their lips from the effort. Others stick out their finger while speaking, raise their eyebrows, and roll their eyes; or they stand rooted to the spot in profound meditation and an outward pretense of some inner magnificence.¹⁸

It goes on in this vein until Hugh interrupts to remind himself that he is teaching, not writing satire, and that modesty and restraint are called for.¹⁹ But the satire persists and the *modestia* he conjures is put aside to make way for it.²⁰

¹⁸ "Sunt enim quidam qui nisi buccis patentibus auscultare nesciunt, et quasi per os sensus ad cor influere debeat, palatum ad verba loquentis aperiunt. Alii (quod adhuc pejus est!) in agendo vel audiendo quasi canes sitientes linguam protendunt, et ad singulas actiones velut molam labia torquendo circumducunt. Alii loquentes digitum extendunt, supercilia erigunt, et oculos in orbem rotantes, aut profunda quadam consideratione defigentes, cujusdam intrinsecus magnificentiae conatus ostendunt" (PL 176:941C-D).

¹⁹ Chap. 12 (after quoting Horace): "Sed ne forte satiram potius quam doctrinam edere videamur . . . modestiae hic quoque oblivisci non debemus" (PL 176:942C).

²⁰ An especially rich passage is in chap. 19, on table manners: "Caution is required in the choice of food, lest one request things excessively lavish and refined, or rare and unusual. Nor should one desire things prepared in an excessively sumptuous or refined way. . . . But there are some men whose gorges are afflicted with a quite laughable infirmity, in that they cannot swallow anything that is not rich and delicate. And if on occasion sparse and ordinary food is offered them, they pass it by, offering frivolous excuses, as for instance, that it will cause them indigestion or asthma or headaches. Others disdain culinary delicacies and luxuries with great constancy, but at the same time despise altogether the common cuisine in a way equally intolerable. They demand new and unusual kinds of food, so that often for the sake of one man's stomach, a throng of servants must run through all the nearby villages to return at length with some rare roots plucked from distant desert mountains, or with a few little fishies fished through enormous effort from the deep, or with strawberries plucked out of season from the thirsting bramble bushes, all this to quell the petulance of one man's appetite" ("Observatio in eo quid sumat, id est ut neque nimis pretiosa et

The work's stated intention is at odds with its tone and contents. In its preoccupation with external decorum, it omits the major themes of the Benedictine and Augustinian traditions.²¹

RECTE VIVENDI SCIENTIA — DISCIPLINA VIVENDI

I will argue that the themes and concerns of the *De institutione* are dictated by classical models. Its dissonances are the unresolved contradictions between two ethical traditions which Hugh was combining. The relation of ancient Roman ethics to Christian ethics was a problem that faced twelfth-century society generally. Abelard with his keen eye for intellectual irresolution attempted a serious reconciliation of the two in his "Dialogue between a Christian, a Philosopher, and a Jew,"²² subordinating the classical to the Christian tradition and deriving all virtues from Christian *caritas*.

Whatever the discursive success of such resolutions in early and high Scholasticism, the classical tradition continued to loom, its subtlety, humanity, and eloquence evident to Christian writers whose ethical traditions stressed renunciation of the world, not the reasoned guidance of life in the world.²³ Roger Bacon was to concede outright the superiority of the ancients:

delicata expetat, nec nimis rara et insolita requirat, nec nimis laute et accurate praeparata concupiscat. . . . Sunt namque quidam quorum fauces satis ridicula infirmitate aegrotant, quae nisi pingua et delicata deglutire non possunt. Et si quando eis parci aut frugales cibi oblati fuerint, statim aut indigestionem stomachi aut pectoris siccitatem, aut obripilationem capitis, aut si qua sunt talia, ad frivolas excusationes praetendunt. Alii delicias et luxum ciborum magna constantia aspernantur, sed ab eis iterum non minori aut tolerabiliore petulantia communium cibarium usus omnino despicitur. Nova quaedam et insolita ciborum genera exquirunt, ita ut saepe propter unius ventrem hominis per omnes circum pagos turba famulorum discurrat, et vix tandem vel ignotas de desertis procul montibus radices evellendo vel pauculos de imis gurgitibus profunda scrutatione pisciculos trahendo, sive intempestiva de arentibus rubetis arbusta colligendo, unius appetitus petulantiam compescere queat," PL 176:950A–B).

²¹ The work does not treat fasting, penance, self-denial, and mortification of the flesh. *Obedientia*, the dominant virtue in the Benedictine Rule, occurs three times in the entire work (PL 176:931A and 933A), two of the occurrences in a single sentence, subordinated to the topic of following examples (933A). Chastity, which looms large in both the rules of Benedict and Augustine, is not mentioned. *Caritas* does not occur in the work. This omission gains profile against a passage from Hugh's work *De scripturis et scriptoribus sacris*: the philosophers of the gentiles wrote books on ethics, he says, but they sever the members from the body of goodness, which has no life apart from charity (PL 175:9–10).

²² Peter Abelard, *Dialogus inter Philosophum, Iudaeum et Christianum*, ed. Rudolf Thomas (Stuttgart-Bad Cannstatt, 1970). On Abelard's ethical thought, see D. E. Luscombe, *Peter Abelard's "Ethics": An Edition with Introduction, English Translation and Notes* (Oxford, 1971), introduction; also Ermenegildo Bertola, "La dottrina morale di Pietro Abelardo," *RTAM* 55 (1988): 53–71.

²³ Bernard of Clairvaux's *De consideratione* is a serious effort at a Christian ethic for the active life free of influence from classical ethics.

The beauty of the moral sentences is a delight. . . . We should receive them all the more avidly, since we Christians who philosophize are able to attain neither their depth of insight into wisdom nor their degree of elegance in persuasion.²⁴

Hugh of St. Victor, while maintaining the superiority of Christian to ancient Roman ethics, owes much more to the latter in his *De institutione*. It would be appropriate to turn Hugh's criticism of pagan ethics (n. 21 above) against his own work: he deals with a few members from the body of virtue and pays no attention to their source, *caritas*.

DISCIPLINA

"Discipline" is the central ethical/pedagogical conception of the *De institutione novitiorum*. It occurs in a variety of formulations: *disciplina virtutis*, *morum disciplina* describe the training of novices; the abbey is the *schola disciplinae*; *custodia disciplinae* is the maintenance of acquired virtue through vigilant self-examination; the human face is the *speculum disciplinae*; the end point of ethical learning is the *forma disciplinae*; *disciplina vivendi* is another term for ethics. It designates both the content and the process of ethical training ("Sunt . . . loca . . . pro disciplina et instructione morum," 946A; ". . . in illis locis ubi de disciplina agendum est . . .," 946B).

Throughout Hugh's works "discipline" is the process of learning virtue, the central activity of ethical education. The word has no other general area of application,²⁵ except in the *Didascalicon* where it occurs in the

²⁴ ". . . delectat sententiarum moralium pulcritudo. . . . Et tanto avidius recipiendae sunt, quanto nos philosophantes Christiani nescimus de tanta morum sapientia percogitare, nec tam eleganter persuadere" (Roger Bacon, *Opus Majus* 7.3.15, ed. John H. Bridges, 3 vols. [Oxford, 1900; rpt. Frankfurt, 1964], 2:322).

²⁵ Even in *Didascalicon* the major area of reference of *disciplina* is ethical. Cf. *Hugonis de Sancto Victore Didascalicon De Studio Legendi: A Critical Text*, ed. Charles Henry Buttimer, The Catholic University of America Studies in Medieval and Renaissance Latin 10 (Washington, D.C., 1939), praef., pp. 2-3: ". . . legentibus vitae suae disciplinam praescribit . . ."; 3.12, p. 61: ". . . cavendum ei qui quaerit scientiam, ut non negligat disciplinam"; 1.11, p. 22: [*practica*] "quae morum disciplinam considerat"; 3.6, p. 57: [the three things necessary to study: *natura*, *exercitium*, *disciplina*] "disciplina, ut laudabiliter vivens mores cum scientia componat"; same passage in *De modo dicendi et meditandi*, PL 176:877B-C. Cf. also *Epitome Dindimi in philosophiam* 2.19, *Hugonis de Sancto Victore Opera propaedeutica*, ed. Roger Baron, University of Notre Dame Publications in Mediaeval Studies 20 (Notre Dame, 1966), 195: "Ethica . . . ordinem modumque virtutum ac morum disciplinam, que ad probitatem et religionem spectant, instituit"; *ibid.* 2.22, p. 196: "Ethica moralis interpretatur, ex re nomen sumens, quia morum disciplinam instituit"; *Expositio in Hierarchiam Coelestem S. Dionysii* 1.1: [*ethica*] "modum vivendi rectum, et disciplinae formam secundum virtutum instituta disponit" (PL 175:927B); *De arca Noe morali* 2.6: [mere knowledge is not useful in itself,

conventional sense of *disciplina* = *ars*, and *disciplinae* = "the disciplines."²⁶ The singularity of Hugh's usage is apparent in the definition he gives in *De institutione* (and in the fact that he gives a definition at all, which suggests that the term is not part of a shared conceptual vocabulary):

Discipline is good and proper behavior; to attain it one must not only avoid evil but also strive to appear above reproach in all things that one does well. Discipline is also the governed movement of all members of the body and a seemly disposition in every state and action.²⁷

This definition expressly limits its meaning to an etiquette of conduct, bearing, control, and governance of the body. It also insists that good is constituted not just in the performance of good and omission of evil acts but also in the *appearance* of goodness, its outward semblance. Goodness should be visible in the governed movement of the body.

We need to supply a context in which the uniqueness of this definition becomes evident. Hugh is speaking an ethical language that he does not share with monastic tradition or with the traditions of canons regular, where *disciplina* as a process of ethical training ordinarily meant the teaching and learning of the rule, or simply the rule itself,²⁸ and had nothing like the

unless one strives to imitate the virtues he admires in others and to make them his own] "per exercitium disciplinae et formam recte vivendi" (PL 176:640A). Jerome Taylor, *The "Didascalicon" of Hugh of St. Victor: A Medieval Guide to the Arts* (New York, 1961), 213 n. 49, refers to Cicero, Quintilian, Augustine, and Boethius as sources for the idea, but qualifies it: "Note, however, that in the words which follow Hugh gives his own definition to each term, altering particularly the sense of *disciplina* from 'art' to moral excellence." See also Ferruolo, *Origins*, 37–38, on the unconventional narrowing of *disciplina*: "... Hugh defines discipline not as academic training but as moral excellence. This definition seems intended to suggest the clear advantage of studying at St. Victor, where the rules of learning were inseparable from the rules of the canonical life."

²⁶ *Didascalicon* 1.11, ed. Buttner, p. 20: "logicae peritia disciplinae"; 1.11, p. 22: "disciplinae exordium" (= the invention of the arts); 2.1, p. 23: "artes et disciplinae"; 2.1, p. 24: "disciplina . . . quae in speculatione consistit et per solam explicatur ratiocinationem"; 2.6, p. 30: "astronomicae disciplinae peritia."

²⁷ "Disciplina est conversatio bona et honesta, cui parum est mala non facere, sed studet etiam in iis quae bene agit per cuncta irreprehensibilis apparere. Item disciplina est membrorum omnium motus ordinatus, et dispositio decens in omni habitu et actione" (chap. 10, PL 176:935A–B).

²⁸ Common formulations in rules and constitutions are *regularis disciplina*, *canonica disciplina*, *monachica disciplina*, *disciplina ecclesiastica*, *disciplina claustralis*, and *disciplina ordinis*. Fairly standard is Sigebert of Gembloux's description of the education of his teacher, Abbot Olbert: "in disciplina monachica regulariter nutritus" (*Gesta abbatum Gemblacensium* 26, MGH SS 8 [Hannover, 1848], 536, line 4). Cf. also Ulrich of Cluny, *Consuetudines antiquiores Cluniacenses* 2.4: "quia sermo est de instituendis novitiis . . . per ordinem dicatur de ea disciplina [= the rule] qua jugiter ille tenetur qui nobiscum voluerit conversari" (PL 149:704D–705A). These examples and the monastic usage generally are consistent with patristic usage. Cf. Walter Dürig, "'Disciplina': Eine Studie zum Bedeutungsumfang des Wortes in der Sprache der Liturgie und der Väter," *Sacris Erudiri* 4 (1952): 245–79; also

profile it has in the *De institutione novitiorum*. We can contrast it with an instructive passage from the *Constitutiones* of Springersbach on the reception and "discipline" of novices. It distinguishes between two kinds of lay converts: the one fit by youth and mental aptitude to study letters and become clerics; the other somewhat older and duller of mind. The latter should imitate the canonical life and be governed under a rule by means of a discipline appropriate to them:

alii prouectiores et natura hebetiores in eo, quo sunt statu, imitantur uitam canonicam et sub quadam regula positi reguntur per congruam sibi disciplinam.²⁹

In a "tracking" system of teaching novices, the older and duller of mind are assigned "merely" to discipline under "some rule." The suggestion that "discipline" is the slow track was not thinkable at St. Victor, where, on the contrary, ethical discipline was a major attraction to recruits, even to those who had completed a program of liberal studies elsewhere, as was the case with Godfrey of St. Victor (see pp. 73–74 below).

Disciplina morum, *disciplina vivendi*, and other terms for ethical training from the *De institutione*³⁰ form part of the tradition of moral training inherited from classical antiquity and taught in worldly courts at least since Carolingian times and at courts and cathedral schools since Ottonian times.³¹ This is the tradition that asserts itself strongly and with the appearance of anomaly in Hugh's *De institutione*, and it is taken over by other canonical and monastic communities in the course of the twelfth century.³² A good

M.-D. Chenu, "Disciplina," *Revue des sciences philosophiques et théologiques* 25 (1936): 686–92. I have found nothing to compare with Hugh's definition, *disciplina* = *ordinatus motus corporis*.

²⁹ *Consuetudines canonicorum regularium Springirsbacenses-Rodenses* 40, ed. Stefan Weinfurter, CCCM 48 (Turnhout, 1978), 124 (par. 233).

³⁰ *Disciplina virtutis* (PL 176:925B); *scientia vere discretionis* (926A); *scientia . . . ad institutionem recte et honeste vivendi* (927A); *recte vivendi scientia* (927A); *schola virtutum* (931B); *schola disciplinae* (933D); *peritia bene agendi* (932C). A useful comparison with the last formulation: a letter from the canons of Worms to their colleagues at Bamberg ca. 1115 asking for support of their newly elected bishop, who had studied in Bamberg and acquired *litterarum scientia, rerum agendarum pericia, honestas morum, gratia discretionum* (Udalrici codex, ep. 172, *Monumenta Bambergensia*, vol. 5 of *Bibliotheca rerum germanicarum*, ed. Ph. Jaffé [Berlin, 1869], 305).

³¹ See Jaeger, "Cathedral Schools and Humanist Learning."

³² Cf. Adam of Perseigne, *Lettres: Texte latin, introduction, traduction et notes*, ed. Jean Bouvet, Sources Chrétiennes 66, Textes monastiques d'occident 4 (Paris, 1960), Ep. 5.59, p. 124: "Bonitatem, inquit, et disciplinam et scientiam doce me [Ps 118:66]. . . . Maturum quippe reddit hominem disciplina quae est membrorum omnium motus ordinatus et compositio decens in omni habitu et actione." The Pseudo-Vincent of Beauvais compendium, *Speculum morale* 1.3.42, vol. 3 of *Speculum maius* (Douai, 1624; rpt. 1964), 307–8, quotes Hugh's definition of discipline in full.

indication of its affinities with court/courtly education is that the *De institutione* is appropriated in the thirteenth century by courtesy books and "mirrors of princes."³³

Disciplina vivendi and *bene vivendi disciplina* are originally Cicéronian formulations. In the *Tusculan Disputations* Cicero explains the late blooming interest of his countrymen in philosophy by representing their civic activities as a surrogate philosophy, or rather a genuine one, a discipline of life. They preferred to practice "that most bountiful of disciplines, the discipline of living well" (*bene vivendi disciplina*). They pursued this more in their lives than in their writings: "Vita magis quam litteris persecuti sunt."³⁴ The phrase does not occur in Seneca or Quintilian. Isidore varied it to define philosophy as "rerum humanarum divinarumque cognitio cum studio bene vivendi coniuncta."³⁵ And from the early Middle Ages on the two were joined as the constituents of philosophy. Alcuin echoes Isidore:

Philosophia est naturarum inquisitio, rerum humanarum divinarumque cognitio. . . . Est quoque philosophia honestas vitae, studium bene vivendi, meditatio mortis, contemptus saeculi. . . .³⁶

Hincmar of Rheims in his letter of instruction to Louis the German represents *disciplina* as the cultivation of *mores*:

The king's court is indeed called a school, that is, a course of studies, because it not only consists of schoolmen, men bred on learning and well trained in the conventional way, but is rather a school in its own right, which we can take to mean a place of discipline, that is correction, since it corrects men's behavior, their bearing, their speech and actions, and in general holds them to the norms of a good life.³⁷

³³ Vincent of Beauvais borrows wholesale from *De institutione* in his *De eruditione filiorum nobilium*, ed. Arpad Steiner, The Mediaeval Academy of America Publication No. 32 (Cambridge, Mass., 1938). His chap. 31 borrows extensively from *De institutione*, taking over the definition of *disciplina* word for word, and Hugh's work is quoted and adapted in many other passages. Aegidius Romanus adapts Hugh's *De institutione* in his influential *De regimine principum*, e.g., 2.2.13: "Gestus autem dicuntur quilibet motus membrorum ex quibus iudicari possunt motus animae. . . . Disciplina autem, quae est danda in gestibus, est, ut quodlibet membrum ordinetur ad opus sibi debitum. Homo enim non audit per os, sed per aurem" (*D. Aegidii Romani . . . De regimine principum libri III* [Rome, 1556; rpt. Frankfurt, 1968], 192r-v). My thanks to David Fowler for pointing out this passage to me.

³⁴ Cicero, *Tusculan Disputations* 4.5-6. Cf. *ibid.* 4.17; *De officiis* 2.15.

³⁵ Isidore, *Etymologiae* 2.24.1, ed. W. M. Lindsay (Oxford, 1911), vol. 1 (unpaged).

³⁶ Alcuin, *De dialectica* 1, PL 101:952A. Also Hrabanus Maurus, *De universo* 15.1, PL 111:413B.

³⁷ "Et ideo domus regis scola dicitur, id est disciplina; quia non tantum scolastici, id est disciplinati et bene correcti, sunt, sicut alii, sed potius ipsa scola, quae interpretatur disciplina, id est correctio, dicitur, quae alios habitu, incessu, verbo et actu atque totius

This brings us close to the context in which Hugh places discipline. Both texts identify it with the teaching and correction of *habitus, incessus, verbum et actus*.

The author of the collection of letters from the late eleventh century known as the *Regensburg Rhetorical Letters* speaks a distinctly Ciceronian ethical language. He picks up the idea of life as an exercise in discipline as opposed to writing and reading, adapting the passage from *Tusculan Disputations* quoted above:

... eos audire delectat, qui vivendi viam magis disciplina quam literis persecuntur. . . .³⁸

Later in the work the burdened statesman who is one of the fictive authors finds consolation in the philosophy of those men who regard their discipline as a law of living, not a means of learned ostentation.³⁹

WALKING AND GESTURING: *INCESSUS, MOTUS CORPORIS*

The ethical vocabulary of *De institutione* deserves a detailed study. Its leading terms and concepts are discretion or judgment (*discretio*), moderation and the golden mean (*mensuram et modum tenere; rationis moderamen*), the examined life (*custodia; assidua inspectio operum et morum suorum; facta sua circumspicere*), imitation of the examples of good men, renewal and reformation of the self (*ad novae vitae similitudinem reformari; se reformare in melius*), and gentleness and modesty of mind which display themselves in speech, disposition, gestures, and carriage of the body. It is important to stress the role of outward display as the guarantor of inner harmony and well-governed virtues in the school of St. Victor. This is by far the dominant concern of Hugh's teaching: gesture and carriage (*usus corporis, gestus, motus corporis*). It is the feature on which the present study concentrates.

Hugh's definition of discipline as "membrorum omnium motus ordinatus, et dispositio decens in omni habitu et actione" (chap. 10, 935B) shows the cooperation of Christian and classical traditions and takes us into an essential element of ethical training in both the religious and the secular life. The

bonitatis continentia corrigit" (*Epistola synodi Carisiacensis* 12, MGH *Leges* 2, *Capit.* 2 [Hannover, 1893], 436, lines 2-6).

³⁸ *Die Regensburger rhetorischen Briefe*, Ep. 16, in *Briefsammlungen der Zeit Heinrichs IV.*, ed. C. Erdmann and N. Fickermann, MGH *Briefe der deutschen Kaiserzeit* 5 (Weimar, 1950), 336. Cf. *ibid.*, Ep. 1, p. 274, lines 15-16: [a cleric in the service of the emperor returns to "philosophy"] "quia ad recte vivendi viam studio et disciplina veniendum est."

³⁹ Ep. 22, p. 348, lines 24-25: "... qui disciplinam suam non ostentationem scientiae, sed legem vitae putent." Cf. Cicero, *Tusculan Disputations* 2.11.

idea that elevates these external questions of etiquette and decorum to a major object of ethical discipline is the congruence of external carriage and inner state. The composition of the inner world is the job of *ethica*, and for Hugh of St. Victor, the job begins with the body:

Just as inconstancy of mind brings forth irregular motions of the body, so also the mind is strengthened and made constant when the body is restrained through the process of discipline. And little by little, the mind is composed inwardly to calm, when through the custody of discipline its irregular motions are not allowed free play outwardly. The perfection of virtue is when the members of the body are governed and ordered through the inner custody of the mind.⁴⁰

This means that virtue is acquired by physical training and restraint. For a teacher with this presupposition, *usus corporis*⁴¹ becomes identical to *cultus virtutis*.

Hugh's lengthy chapter on gesturing takes his morality of carriage to its logical conclusion: the body can be read for the virtues of the mind. He infers from various styles of gesture and carriage the attendant virtue or vice:

There are six kinds of reprehensible gesture and movement, namely, an effeminate glide, a swagger, a listless shuffle, a hasty stride, a wanton strut, and a turbulent dash. The effeminate step indicates lasciviousness; the swagger, slovenliness; the shuffle, laziness; the stride, inconstancy; the strut, pride; the dash, wrathfulness.⁴²

The principle of governance is applied to the control of the body, since "the body is a kind of republic" ("Est enim quasi quaedam respublica corpus humanum," 943A), each member of which has its own duty; vice is when one usurps the duty of another. The ordinate functioning of all together produces *concordia universitatis*. His elaborations on this topic also are puzzling and alien: "the eyes should see, the ears hear, nostrils smell . . . ,

⁴⁰ "Sicut enim de inconstantia mentis nascitur inordinata motio corporis, ita quoque dum corpus per disciplinam stringitur, animus ad constantiam solidatur. Et paulatim intrinsecus mens ad quietem componitur, cum per disciplinae custodiam mali motus ejus foras fluere non sinuntur. Integritas ergo virtutis est, quando per internam mentis custodiam ordinate reguntur membra corporis" (chap. 10, PL 176:935B-C).

⁴¹ Hugh gives three contexts for "propriety in every act" ("quid deceat . . . in omni actu . . .," PL 176:927A): worship and the liturgy, "human obligations" ("humana officia"), and the governance of the body ("quae ad usum corporis pertinent," 927B). The focus of *De institutione* is exclusively on the latter two.

⁴² "... hic sex modis reprehensibilis invenitur, scilicet si est aut mollis, aut dissolutus, aut tardus, aut citatus, aut procax, aut turbidus. Mollis significat lasciviam, dissolutus negligentiam, tardus pigritiam, citatus inconstantiam, procax superbiam, turbidus iracundiam" (chap. 12, PL 176:938A-B).

the hands manipulate, the feet walk . . ." (" . . . oculi videant, aures audiant, nares olfaciant, os loquatur, manus operentur, pedes ambulent . . .," 943B). Moderation is the virtue that holds contrary vices, to which the body is prone, in check and produces a particular grace:

. . . a man's gestures ought to be graceful without effeminacy, nonchalant without swagger, grave without listlessness. . . . The turbulent dash tempers the effeminate gesture, and the effeminate tempers the turbulent . . . because the median line between opposing vices is virtue.⁴³

Of the various surprises the work affords the reader—primed to read a work of spiritual instruction for men to whom all worldliness is bitter as absinth—this strict identification of *cultus corporis* and *cultus virtutis* is perhaps the most striking.

The final two-thirds of the tract are concerned with rules for walking, gesturing, dressing, speaking or remaining silent, eating, and drinking.⁴⁴ The sense of a random and unorganized sequence of chapters in the first third now ends, and the work is organized around the subject of proper manners in external things.

It is clear from the Victorine customary that novices indeed received rigorous training in the points of etiquette stressed by Hugh.⁴⁵ The customary also makes the importance of this training obvious. Its prescripts indicate a life in which virtually every moment in the daily round of rising, performing the liturgy, eating, dressing, and going to bed is governed by rules

⁴³ " . . . gestus hominis in omni actu esse debet graciosus sine mollitie, quietus sine dissolutione, gravis sine tarditate. . . . Mollem gestum temperat turbidus, et turbidum mollis . . . quia inter vitia contraria medius limes virtus est" (chap. 12, PL 176:943C–D). On the presence of this Aristotelian definition of virtue in the earlier Middle Ages, see C. J. Nederman, "Aristotelian Ethics before the *Nichomachean Ethics*: Alternate Sources of Aristotle's Concept of Virtue in the Twelfth Century," *Parergon*, n.s., 7 (1989): 55–75.

⁴⁴ The chapter headings after chap. 10, "Quid sit disciplina, et quantum valeat," take the form "De disciplina servanda in habitu" (chap. 11), ". . . in gestu" (chap. 12), ". . . in locutione" (chap. 13), and after chapters on "quid, cui, ubi, quando, quomodo loquendum," chap. 18 continues with "De disciplina servanda in mensa . . . et primo in habitu et gestu"; chap. 19: "De triplici observatione disciplinae in cibo, et primo quid comedendum"; chap. 20: "Secundo, quantum comedendum"; chap. 21: "Tertio, quomodo comedendum." After a final cautioning to eat not too fast or slowly, the work breaks off abruptly with the advice to pray to God for goodness, Hugh having taught them *scientia* and *disciplina*.

⁴⁵ *Liber ordinis*, chap. 22, CCCM 61:106–7, lines 229–42: "In scola diligenter instruendus est de inclinationibus, de *incessu et statu*, et *omni gestu suo*, et quomodo uestimenta sua in omni actione circa se coaptare debeat, et *membra sua ordinate componere*, oculos demissos habere, submisce et non festinanter loqui. . . . Postremo de omnibus actionibus suis et uerbis. . . . perfecte eum instruat. . . ." Rendered perfect, the novice will be able to hold to "bonum modum et competentem mensuram in omnibus uerbis et actionibus. . . ." Much of the wording is so close to *De institutione* it is clear that Hugh was writing with the *Liber*, at least with the discipline of living it commended, in mind.

of etiquette, proper carriage, considerateness, and good manners—rules that presuppose a rigorous discipline in the areas of behavior presented in the *De institutione*. The *Liber ordinis Sancti Victoris* is exceptional among customaries for its detailed prescriptions and for its insistence on courtesy and humanity in the ordering of the daily life.

The concern with proper gestures, walking, and talking is shared by other houses of canons regular.⁴⁶ But its roots in Christian traditions are shallow; prior to the eleventh century they show a minor and peripheral interest in the subjects Hugh deals with. The biblical texts he cites as exempla of proper dress, gait, gesture, and table manners are often pressed into service from contexts that do not fit the concerns of his work well.⁴⁷ The Benedictine Rule says nothing about *incessus* and *gestus*, and its prescriptions for dressing and eating are very different from those in Hugh's *De institutione* and the *Liber ordinis Sancti Victoris*.⁴⁸ The passing references in the Rule of St. Augustine, the Rule of Chrodegang, and the *Regula canonicorum* of Aix simply do not prepare us for the serious and methodical preoccupation with the subject in Hugh's *De institutione*.

Gesture and carriage as serious pedagogic concerns come from the classical tradition of an orator's education. They are an important part of oratory,

⁴⁶ Rule of St. Augustine, *Praeceptum* 4.2–3 “Quando proceditis, simul ambulate; cum ueneritis quo itis, simul state. In incessu, in statu, in omnibus motibus uestris nihil fiat quod cuiusquam offendat aspectum . . .” (ed. Verheijen 1:423). Cf. *Regula canonicorum* of Aix (816), chap. 123: “. . . intus forisque non solum habitu et actu, sed etiam ipso incessu inreprehensibiles existant . . .” (ed. A. Werminghoff, *Concilia Aevi Karolini I*, MGH *Leges* 3, vol. 2, pt. 1 [Hannover and Leipzig, 1906; rpt. 1979], 403, lines 20–21); *ibid.*, chap. 131: [enter the church] “. . . non pompaticae aut inhoneste vel inconposite, sed cum reverentia . . .” (p. 408, lines 4–5); *Regula clericorum* (“Petrus de Honestis”) 1.2: “. . . gravitatem non solum in loquendo vel operando, sed et in eundo vel stando teneant; decorem morum, sanctitatem, honestatem non solum actionum, sed et locutionum habeant” (PL 163:709C); *Consuet. Marbac.*, chap. 3: [the novice given to the charge of a brother] “. . . qui doceat eum regulam, usum et disciplinam monasterii, primum qualiter ambulare, supplicare, stare, sedere debeat, et in omnibus motibus suis signum habere humilitatis . . .” (ed. Siegwart, p. 104, par. 5); *Expositio in Regulam S. Augustini* (Pseudo-Hugh of St. Victor): “Tunc enim religiose vivimus . . . si membra et sensus nostros studeamus restringere, ut non possint lasciviae et levitati deservire . . . ut sit . . . in incessu gravitas, status cum reverentia, motus cum maturitate, habitus cum religione . . .” (PL 176:898C); *Consuet. Springiersbach*, chap. 40: “. . . admonendi sunt [nouviti], ut sint providi et circumspecti in incessu, statu, habitu, in omnibus motibus nihil fiat, quod cuiusquam offendat aspectum . . .” (CCCM 48:126, par. 236).

⁴⁷ For a biblical attack on *inordinati motus corporis* (PL 176:938B) he cites Proverbs 6:12–13: “. . . vir inutilis graditur ore perverso, annuit oculis terit pede digito loquitur.” Against the *mollis* and *procax* gesture (938D) he cites Isaiah 47:1–3: “descende sede in pulverem virgo filia Babylon, sede in terra. . . tolle molam et mole farinam, denuda turpitudinem tuam discoperi umerum, revela. . . revelabitur ignominia tua. . .”

⁴⁸ *Benedicti Regula*, ed. Rudolph Hanslik, CSEL 75 (Vienna, 1960), chaps. 6, 7, 39, 40, 55.

since they add the force of personal authority to forceful speech, and when the latter is lacking, they can make up for faults of voice and thought. For Cicero the motion of the body is itself a kind of eloquence: "Est enim actio quasi sermo corporis."⁴⁹ Apart from the *De inventione* his writings on oratory were not available to Hugh, but bits of them came to the Middle Ages through other routes, for instance Ambrose, who calls gestures "a kind of voice of the mind."⁵⁰

Cicero includes motions of the body in his discussion of temperance and *decorum* in *De officiis*. When the body and the spirit are in harmony with nature, he says, then the motions (emotions) of each find approbation (1.100). After a long discussion of control of the passions (*motus animi*), he commends *constantia* in all acts, and this brings him to the *motus corporis*:

... the propriety to which I refer shows itself also in every deed, in every word, even in every movement and attitude of the body. And in outward, visible propriety there are three elements—beauty, order, and embellishment appropriate to the act it accompanies.⁵¹

To achieve beauty, order, and appropriate embellishment, we need to follow nature in our motions:

... in standing or walking, in sitting or reclining, in our expression, our eyes, or the movements of our hands, let us preserve this decorum. We must avoid especially the two extremes: our conduct and speech should not be effeminate and affected on the one hand, nor coarse and boorish on the other.⁵²

The beauty of conduct is of two kinds, he continues. The one called "loveliness" (*venustas*) is feminine, the other (*dignitas*) manly. Let a man therefore avoid any *ornatus* of dress that is not dignified, and the same applies to gesture and motion. The principle to follow is the golden mean (*mediocritas*; cf. 1.130–31). This means that we should walk and gesture neither too slowly nor too fast, since this puts us out of breath, distorts the face, and is a strong indication that inner constancy is lacking:

⁴⁹ Cicero, *De oratore* 3.222. Cf. *Orator* 55: "Est enim actio quasi corporis quaedam eloquentia. . . ."

⁵⁰ "Vox quaedam est animi" (Ambrose, *De officiis ministrorum* 1.18.71, PL 16:44C [2d ed., 49A]).

⁵¹ "... decorum illud in omnibus factis, dictis, in corporis denique motu et statu cernitur idque positum est in tribus rebus, formositate, ordine, ornatu ad actionem apto . . ." (Cicero, *De officiis* 1.126; translation adapted from Cicero, *De officiis*, trans. Walter Miller, Loeb Classical Library [Cambridge, Mass. and London, 1975], 129).

⁵² "... status incessus, sessio accubitio, vultus oculi manuum motus teneat illud decorum. Quibus in rebus duo maxime sunt fugienda, ne quid effeminatum aut molle et ne quid durum aut rusticum sit." (Cicero, *De officiis* 1.128–129; cf. trans. Miller, p. 131).

Cavendum autem est, ne aut tarditatibus utamur in ingressu mollioribus . . . aut in festinationibus suscipiamus nimias celeritates, quae cum fiunt, anhelitus moventur, vultus mutantur, ora torquentur; ex quibus magna significatio fit non adesse constantiam (1.131).

In these passages fitting gait and gesture into a philosophy of “natural” behavior, Cicero represents beauty of gesture as a response to and symptom of an inner harmony. Elsewhere he uses the image of the harmonically composed soul playing inaudible music, a kind of visible melody, on the instrument of the body (*Tusc. Disp.* 1.19–20). Grace, beauty, and dignity are the result when inner constancy finds its expression in natural external gestures.

Ambrose picked up some of these ideas and made proper walking and gesturing into an important duty of the Christian statesman. Composed gesture and movements are signs of *verecundia*, reluctance to give offense:

Est etiam in ipso motu, gestu, incessu tenenda verecundia. Habitus enim mentis in corporis statu cernitur. . . . Itaque vox quaedam est animi, corporis motus.⁵³

He demands a kind of gesture and movement which bespeak authority, gravity, and tranquillity.⁵⁴

Though it is possible to find occasional praise of good carriage among Carolingian clerics,⁵⁵ it clearly is not a prominent topic in that period.

An ideal of elegant bearing based on classical models came to prominence with a new program of education at European cathedral schools in the mid-tenth century. It formed part of the curriculum of *mores*. A portrait from the second half of the eleventh century, striking for the purity of its Ciceronian pedigree, can serve to illustrate some of its ideal virtues. The Bamberg schoolmaster Meinhard wrote to a former student heading off to Cologne, possibly to be groomed for the archbishopric. He admonishes him to imitate the virtues of his father, whom he describes as

⁵³ Ambrose, *De officiis ministrorum* 1.18.71, PL 16:44C–D (2d ed., 48D–49A). Ambrose tells two anecdotes to illustrate the importance of decorous movement: He rejected a friend for membership in the clergy—though his stringent performance of duties commended him—because his gestures were in very poor taste (“ . . . gestus eius plurimum dedeceret”); another, already a cleric, he ordered never to walk in front of him, because his gait offended his eyes, like a slap in the face (44D–45A [2d ed., 49A]). Both men met bad ends, which Ambrose believes he could have predicted from their way of walking.

⁵⁴ Ibid. 1.18.75, PL 16:45B (2d ed., 49C): “Est etiam gressus probabilis, in quo sit species auctoritatis, gravitatisque pondus, tranquillitatis vestigium.”

⁵⁵ Eigil, *Vita sancti Sturm*, MGH SS 2 (Hannover, 1829), 366, line 33: “gressu composito.” Alcuin urges Charlemagne, “Disce, precor, juvenis, motus moresque venustos. Laudetur toto ut nomen in orbe tuum” (*De rhetorica et virtutibus*, PL 101:949–50). But this classical ideal combining “rhetoric and the virtues” appears to have been restricted to court and civil education.

... a man instructed in every kind of virtue, a man who enjoyed to an astonishing degree all the charm and grace of humanity, qualities visible far and wide not only in his dazzling blaze of manners but also in the bright good humor which shone most graciously from his eyes.⁵⁶

It is also visible in a portrait from the middle of the twelfth century of Bishop Otto of Bamberg, praised by his biographer for his

... special gift of singular fastidiousness ... of elegant and urbane discipline. Never under any circumstances, in eating, drinking, in word, gesture, or dress, would he tolerate anything indecorous ... but rather in every act of the outer man he manifested the harmony within him, conspicuous as he was for his goodness, discipline, and farsighted wisdom.⁵⁷

The ensemble of qualities is called by the name, *elegantia morum*, *venustas morum*, *gratia morum*, *pulchritudo morum*.⁵⁸ It makes outward grace and fine bearing into the measure of inner virtue.

This ethic found a prescriptive formulation in the *Moralium dogma philosophorum*, a kind of *summa* of Ciceronian ethics.⁵⁹ The authorship of William of Conches has been generally accepted, though not proven.⁶⁰

⁵⁶ "Est enim vir ille omni genere virtutis instructus, omni lepore humanitatis mirifice conditus, quae in eo non solum fragrantia morum latissime redolet, sed ex ipsa oculorum hilaritate gratiosissime renidet. Atque sic in te animi ornamenta redundant, ut illa ocularis gratia relucet" (*Weitere Briefe Meinhard von Bamberg*, in Erdmann, *Briefsammlungen*, 193, no. 1). Erdmann cannot date the letter exactly; he places it between 1057 and 1088 (see also *Studien zur Briefliteratur Deutschlands im elften Jahrhundert*, MGH *Schriften* 1 [Leipzig, 1938], 282).

⁵⁷ "... quandam ... cuiusdam singularis mundicie atque, ut ita dixerim, elegantis et urbane discipline prerogativam habebat, ita ut nichil unquam indecens aut ineptum inhonestumve quid in cibo aut potu, sermone, gestu vel habitu admitteret. Sed in omni officio exterioris hominis, quenam esset compositio interioris, ostendebat, bonitate, disciplina et prudentie cautela conspicuus" (*Herbordi Dialogus de vita S. Ottonis* 2.16, ed. J. Wikarjak and K. Liman, *Monumenta Poloniae Historica*, n.s., vol. 7, fasc. 3 [Warsaw, 1974], 90). The last line raises the question whether the influence of Hugh's *De institutione* shows in this biography written ca. 1155. The resonance of Herbord's *bonitas*, *disciplina* et *prudencia* with Hugh's *bonitas*, *disciplina* et *scientia* is worth noting. On the diffusion of the *De institutione*, see Rudolf Goy, *Die Überlieferung der Werke Hugos von St. Viktor: Ein Beitrag zur Kommunikationsgeschichte des Mittelalters* (Stuttgart, 1976), esp. 340–67, 496–500. Bavaria was an interested recipient of the work (*ibid.*, 367). But of course the echoes do not require the explanation of direct influence, just a shared ethical language and a curriculum in *mores* at both French and German schools.

⁵⁸ See my study, *The Origins of Courtliness: Civilizing Trends and the Formation of Courtly Ideals, 939–1210* (Philadelphia, 1985), 32–34 and 128–52.

⁵⁹ *Das Moraliū Dogma Philosophorum des Guillaume de Conches: Lateinisch, Altfranzösisch und Mittelniederfränkisch*, ed. John Holmberg (Uppsala, 1929), 77: "intentio ... est summam docere ethicam Tullianam et Tullium et Senecam imitari."

⁶⁰ See Ph. Delhaye, "Une adaption du *De officiis* au XII^e siècle: Le *Moraliū dogma philosophorum*," *RTAM* 16 (1949): 227–58; 17 (1950): 5–28. See also Holmberg's introduction.

The work dates from the first half of the twelfth century. The only guide to a more specific dating is the uncertain identification of the "Henricus" of the prologue with the young Henry of Anjou, future Henry II of England. Lacking positive evidence of date and authorship, the work cannot be fit into the dossier of connections between William of Conches and Hugh of St. Victor.⁶¹ But the ethical language and concepts shared by Hugh and this Ciceronian-Senecan compendium make the comparison valuable.

The following passages illustrate the proximity of thought and language:

1) *Moral. dog. phil.*, p. 42: Modestia est cultum et motum et omnem nostram occupationem ultra defectum et citra excessum sistere. De hac dicit poeta: "Est modus in rebus, sunt certi denique fines. . . ."

De institutione, 943B: Secunda est custodia disciplinae in gestu, ut unumquodque membrum id quod facit, eo modo atque mensura faciat quo faciendum est, id est nec plus nec minus. . . .

2) *Moral. dog. phil.*, p. 42: Malus enim ornatus exterior male composite mentis nuntius est.

De institutione, 935B: . . . de inconstantia mentis nascitur inordinata motio corporis. . . .

3) *Moral. dog. phil.*, p. 42: In corporeo [motu] cauendum est ne in tardationibus adeo molli gressu utamur, ut . . . in festinationibus non suscipiamus nimias celeritates. Que cum fiant, anelitus mouentur, uultus mutantur, ora torquentur; ex quibus magna significatio fit non adesse constanciam. . . . Curandum igitur est ut ratio presit, appetitus obtemperet. Si enim non pareant appetitus rationi . . . non modo animi perturbantur sed etiam corpora.

De institutione, 938A–C: Gestus . . . reprehensibilis invenitur . . . si est aut mollis, aut dissolutus, aut tardus, aut citatus. . . . cum mens interius a custodia sui solvitur, membra foris ad omnem actum inordinate commoventur. . . . in omnibus quae agit nullo rationis moderamine gubernatur.

These passages do not argue direct influence, but they certainly indicate shared ethical concepts. The debt to Cicero is obvious in the case of the *Moralium dogma philosophorum*; it is not obvious but palpable in the case of Hugh's work. Hugh is using different words for the same ideas.⁶² The comparison makes evident the veiled Ciceronianism fundamental to his work.

⁶¹ Taylor's notes to the *Didascalicon*, which constitute an important study of Hugh's intellectual obligations, suggest strong connections between him and William of Conches (see Taylor, *The "Didascalicon" of Hugh of St. Victor*, esp. intro., 6–7, and 160–61 nn. 15, 16).

⁶² One example leads the reader to wonder whether Hugh read the work. The *Moral. dog. phil.* treats *providentia* and *circumspectio* one after the other (ed. Holmberg, 9–10). Hugh's chap. 9 urges, ". . . homo . . . sit circumspectus et providus" (PL 176:934B); these virtues foresee *futurum eventum* and *rerum exitus* in *Moral. dog. phil.* (p. 9); in *De institutione* it is the *finis actionis* and *finis operis* (934B–C). The *Moral. dog. phil.* commends caution:

The adaptation of Ciceronian ideas in the *De institutione* still leaves us with the puzzle, why Hugh, in outlining a program of spiritual renewal, placed so little stress on ideals of the apostolic life and so much on a few facets of an ethic inherited ultimately from antiquity and immediately from cathedral schools.

A SCHOOL FOR GENTLEMEN

St. Victor was an urban community, or comparatively urban. It attracted many noble clerics of high learning.⁶³ It enjoyed royal patronage,⁶⁴ a visit from the king was as much to be reckoned with as a visit from the local bishop, and the *Liber ordinis* makes provisions for receiving him.⁶⁵ Its connections at the highest levels of church and state administration were excellent.⁶⁶ Its school was open to outsiders until approximately the death of Hugh of St. Victor in 1141,⁶⁷ and its traditions of ethical training persisted at least until the death of Richard of St. Victor in 1173. As Jean Châtillon suggests, the more communities of canons tend to the monastic life, the more their schools tend to disappear,⁶⁸ and accordingly, St. Victor prior to Hugh's death was a non-monastic community, open to the exciting atmosphere of ideas in the other schools of Paris, though conservative in regard to method, intellectual orientation, and ethical training. Dialectic and disputation never found a home there.

Other fashions in aristocratic society at the turn of the century did, however, come to St. Victor; at least they made their way to the door. *De institutione* is directed to nobles. It enjoins on them an aristocratic ethic—its canonical elements notwithstanding—and it warns them against vices typical

"Cautio est discernere a uirtutibus uitia uirtutum speciem preferentia"; it helps the cautious avoid deception of *occultiores insidie* (p. 10, lines 18 ff.). Cf. *De institutione*: [through *circumspectio*] "... plane vitium esse dignoscitur, in quo prius sibi animus falso de uirtute blandiebatur" (934C), and it helps him avoid future deception if he has succumbed to *insidia inimici* (934D).

⁶³ Robert of Torigny, *De immutatione ordinis monachorum*, chap. 5: "Sub cuius [i.e., Gilduin's] regimine multi clerici nobiles saecularibus et diuinis litteris instructi, ad illum locum habitaturi convenerunt" (PL 202:1313A).

⁶⁴ Bonnard, *Histoire*, vol. 1, chaps. 1–3.

⁶⁵ *Liber ordinis Sancti Victoris*, chap. 33, CCCM 61:162, lines 168–69: "Si rex uel episcopus uel abbas in capitulum adducitur, fratres assurgentes omnes ei inclinent. . . ."

⁶⁶ Dickinson, *Austin Canons*, 86: "Favoured by the highest officials of Church and State, esteemed all over the Western world, the haven of scholars and nursery of bishops, St. Victor's displayed perhaps more than any other house the potential of the regular canonical life."

⁶⁷ Smalley, *Study of the Bible*, 83–84; Ferruolo, *Origins*, 30.

⁶⁸ Châtillon, "Les écoles de Chartres et de St. Victor," 812.

of the aristocracy, or vices imputed by other writers to the nobles. The passage quoted earlier warning against excessively dainty dishes is a good example (n. 20 above). It presupposes men with delicate palates, sensitive nervous systems, and finicky stomachs (they complain about asthma and indigestion when they are offered coarse food). It also presupposes that they have numbers of servants at their disposal to send for the rare fish and berries that alone will satisfy their tastes.⁶⁹ Of course, there may not have been a single novice or member of the community who really indulged in this vice after his entry into the religious life. To have its impact the satire does not require the actual abuse, but it does require the unfulfilled inclination. The barb would be blunted and the humor diluted if none of them kept servants or if they were men to whom rude and impoverished lives, or even ascetic lives of renunciation, were an accepted norm.

The prescriptions on dress and gesture reject fashions of the secular world which other clerics in many places in Europe were attacking throughout the twelfth century. Hugh says that clothes should not be "nimis . . . subtilia vel mollia," nor in any way "distorted according to worldly vanity" ("secundum saeculi vanitatem detorta," 936A). He numbers among the vanities clothes that flow too fully and those pulled so tight as to reveal every curve of the body. This he calls shameless turpitude and vain ostentation; such fashions make women, or rather prostitutes, of men, who seem to change their sex along with their clothes (936C–D). Men should show modesty and humility in their clothing. But there are certain hard and rebellious souls, he continues, who can only be reined in with a jagged bit (938A). Then follows the chapter on gesturing already discussed.

The language that Hugh speaks here is widely shared and easy to locate. These vanities and worldly ways are part of a broad wave of fashion that swept the European aristocracy from the middle of the eleventh century on.⁷⁰ Worldly fashions may have been as extravagant before that time, but the church reform produced a reaction against them that brought them into sharp profile. From the mid-eleventh century, wherever men touched by the spirit of the reform come into contact with worldly men, complaints like Hugh's surface. The *De institutione* responds in no small part to an

⁶⁹ The *Liber* in fact forbids guests of whatever rank to bring their own cooks and have special dishes prepared by their own cooks, as Bonnard points out (*Histoire* 1:68): "Just as all guests receive our care, so all must eat our fare" ("... sicut de nostro procurantur, ita etiam et nostras apparationes sustineant, oportet," chap. 17, CCCM 61:69, lines 247–48).

⁷⁰ See H. Platelle, "Le problème du scandale: Les nouvelles modes masculines aux XI^e et XII^e siècles," *Revue belge de philologie et d'histoire* 53 (1975): 1071–96; see also Jaeger, *Origins of Courtliness*, 176–94.

infestation of bad manners that became a shared object of attack among clerics who regarded their duty in life as teaching and correcting the laity. And it should not be surprising if this project commended itself to a master responsible for formulating the education of novices at an abbey near Paris attractive to noblemen, a community whose rigorously structured life was conceived as a curriculum and whose "teaching" was exercised in the very act of living that life.

*SCHOLA VIRTUTUM: THE BEGINNINGS OF ST. VICTOR
AND VENUSTAS MORUM AS A CURRICULUM*

The threat of a spreading corruption of *mores* was answered not only by polemics but also by a moral discipline aimed at the nobility that made moderated external elegance into the sign of inner virtue. Clerics at worldly courts were the main transmitters of this ethic to the laity, but some houses of canons regular had a role to play in this civilizing process.

The constitutions of Marbach are the earliest rule showing a strong influx of the vocabulary of courtesy.⁷¹ It is tempting to pursue this lead and a possible connection with the urbane humanity of St. Victor, since the author of the earliest sections of this rule, Manegold of Lautenbach, is possibly the same as that Manegold, *modernorum magister magistrorum*, who was the teacher of William of Champeaux. But both this connection and the dating of the Marbach *Constitutiones* are too uncertain. Manegold's contributions to the rule date from around 1103; other sections were added between 1122 and 1136.⁷²

⁷¹ See the passage from the Marbach constitutions cited in n. 85 below; also chap. 149 (on the prior): "Sit sermo aedificans, vita imitabilis. Sit caritate eminens, mansuetus, humanus, hilaris, severus, largus, cunctis affabilis atque amabilis . . ." (ed. Siegwart, p. 254). On the Latin vocabulary of courtesy, see Jaeger, *Origins of Courtliness*, 127–75.

⁷² See Josef Siegwart in the introduction to the *Consuet. Marbac.*, 30–31. On Manegold, see Wilfried Hartmann, "Manegold von Lautenbach und die Anfänge der Frühscholastik," *Deutsches Archiv für Erforschung des Mittelalters* 26 (1970): 47–149. A student from Bamberg who studied at St. Victor in its early years is an important witness to William's teaching. His testimony also bears on the influence of Manegold. He wrote a letter to his prior in Germany (asking for money) and praised William, who "gave up all his possessions to live in some miserable little church to serve only God. There he showed himself kind and devoted to all who came to him, and he received them gratis . . . in the manner of Master Manegold of blessed memory" (" . . . omnibus quae possidebat dimissis, in praeterito pascha ad quandam pauperrimam ecclesiolam, soli Deo serviturus, se contulit; ibique postea omnibus undique ad eum venientibus gratis . . . more magistri Manegaldi beatae memoriae, devotum ac benignum se praebeuit," Udalrici codex, ep. 160, ed. Jaffé, p. 286). He was in a good position to observe William's cordiality and liberality and to judge them as the continuing influence of Manegold. Of course that does not help us figure out whether this was the same as that Manegold of Lautenbach, author of the core of the Marbach customs.

In 1108 William of Champeaux left the schools of Paris to set up a new community at an abandoned hermitage dedicated to St. Victor just outside of the city gates of Paris. He had suffered a defeat or a series of defeats in debate with Peter Abelard that put his authority as a teacher of dialectic in question, or if he managed to maintain his following as a teacher, at least it had the result of souring him on the new atmosphere of contentiousness that dominated the schools.⁷³ He continued to teach in the new community of St. Victor, and this, according to Abelard, irritated many people and cast doubt on the sincerity of his conversion.⁷⁴ What did he teach there?⁷⁵ Probably not dialectic and the theory of universals. True, Abelard claims to have dealt him his final defeat on this question at St. Victor, but he went there to study rhetoric with William (*Historia calamitatum*, p. 65, line 81), and Abelard was probably not one to let himself be diverted from what he wanted to talk about by what his teacher wanted to teach.

After his retirement to St. Victor, William received a letter from Hildebert of Lavardin that helps us deal with this question. He urged him to continue his teaching and mapped out in illuminating comments the area of curriculum open to him. The letter begins,

My soul rejoices and exults in your conduct and conversion, giving thanks for these acts of grace to Him from whose gift you have at long last decided to begin philosophy. For what you have done until now did not savor of philosophy. You merely gathered knowledge from philosophers; you did not bring forth in yourself beauty of conduct. But now you begin to draw out

⁷³ The tendency of scholars to advocate William of Champeaux by denying Abelard's account of a resounding defeat has persisted since Bonnard (*Histoire* 1:4-5). See also Dickinson, *Austin Canons*, 85; and Châtillon, *Théologie, spiritualité et métaphysique*, 55. Since Abelard is the only one to report it, this might have some ability to persuade, but the demise of a humanistic or old-fashioned master at the hands of a brash young Turk was too common a phenomenon in the period (cf. the testimony of Goswin of Mainz on the "retirements" of Hermann of Rheims, Drogo of Paris, Huzmann of Speyer, and Meinhard of Bamberg; also the testimony of John of Salisbury on William of Conches and Richard the Bishop) to be just a product of Abelard's ego, however much he may have favored himself in the account.

⁷⁴ Abelard, *Historia calamitatum: Texte critique avec une introduction*, ed. J. Monfrin (Paris, 1959), p. 65, lines 78 ff.

⁷⁵ The letter cited in n. 72 above is perhaps some help on the question. The student admires William's eloquence; his words were so sweet he seemed more like an angel than a man. The student seeks *bonum sapientie* and *scientia cum caritate*. These *doctrina et studium* erase vices, inculcate virtue, and arm the mind against the attacks of this life (ed. Jaffé, pp. 286-87). Since he is asking for money, the pious stance is suspect, but the array of subjects—eloquence and virtue—is plausible within a framework of studies known at other schools.

from it [i.e., beauty of manners] the pattern of good behavior like honey from the comb.⁷⁶

The philosophy abandoned is an ungentle one, mere acquired knowledge; the philosophy embraced is pressed out of the very self, like honey from the comb: beauty of manners. This change occurs because William has subjected himself to a new rule of the religious life, which makes him into a true philosopher. Against the advice of those who urge William to give up teaching Hildebert says, "Virtue is to administer the material of virtue, even to one who will not put it to good use" ("Virtus est, etiam male usuro, virtutis ministrare materiam," 142B).

The point is clear: he now has a new curriculum to administer, *virtus* and *morum venustas*. Its content (*bene agendi formula*) is the honey that flows out of the comb of beauty of manners. The letter is not an admonition to continue the teachings of the schools but rather an admonition to administer the rule of a new life. And the new philosophy he is enjoined to teach is behavior. Hence Hildebert's rejoicing both at his conversion and his conduct (*conversio et conversatio*).

This testimony to the "philosophy" of *conversatio* at St. Victor is not isolated. One of the few and extremely valuable witnesses to the teaching of Hugh of St. Victor from his student, Lawrence of Westminster, is of help to us. Lawrence tells us what drew him to Hugh as master:

With all possible dispatch I chose that excellent and unique doctor, and I embraced his teaching with supreme diligence, since the moral excellence of his life decorates his learning, and the saintliness of this teacher illuminates his polished doctrine with beauty of manners.⁷⁷

Godfrey of St. Victor entered the community around 1155 or 1160, after completing ten years of study in liberal arts and sacred letters, and he explained its attractions in his quasi-biographical poem, *Fons philosophiae*. The life of canons regular drew him because it is a "faultless" norm learned

⁷⁶ "De conversatione et conversione tua laetatur et exsultat anima mea, illum prosequens actione gratiarum, cujus muneris est, quod nunc tandem philosophari decreveris. Nondum enim redolebas philosophum, cum ex acquisita philosophorum scientia, morum tibi minime depromeres venustatem. Nunc autem sicut e favo mellis dulcedinem, sic ex ea bene agendi formulam expressisti" (PL 171:141A). On the letter, see Châtillon, *Théologie, spiritualité et métaphysique*, 56–57.

⁷⁷ "... illum eundem, quam cicius potui, precipuum ac singularem doctorem delegi, eius doctrinam cum summa diligencia amplexatus sum, veluti cuius scienciam vite honestas decorat et doctrinam morum venustate conditam sanctitas docentis illuminat" (Bernhard Bischoff, "Aus der Schule Hugos von St. Viktor," in *Aus der Geisteswelt des Mittelalters: Studien und Texte Martin Grabmann . . . gewidmet*, ed. Albert Lang et al., Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters, Supplement 3.1 [Münster i. W., 1935], 246–50; edition of letter and cited passage on p. 250).

from the “great examples” of the “fathers.” They are men “instructed in the salutary ways of the sacred rule, equal in manner of living, dressing, eating, and gesturing” (*vita, votis, habitu, victu, gestu pares*). The “master’s elegance, the assessors’ probity, the ministers’ skill” drew him. The “mere appearance of things” (*ipsa rerum facies*) compels him to sit at the master’s feet. After his entrance, he studied *ethica* and theology. Ethics removed all childish emotions (*pueriles motus*) from his mind and at the same time bathed his outward bearing (*habitus*) and his body, transforming him in “miraculous newness.”⁷⁸ He learned to govern his tongue. Finally his mind was strengthened and his vagrant body restrained to a fixed measure (*figitur ut meta*).⁷⁹

It is evident from our earlier discussion that Godfrey is describing a program of instruction common to the *Liber ordinis Sancti Victoris* and Hugh’s *De institutione*. The training of novices aims at strengthening the mind for virtue through external culture. The outer appearance of the individual, like that of the institution (*facies rerum foris*), expresses the inner renewal. It is not at all farfetched to assume that William of Champeaux was one of the major architects of this program.

CARITAS ET HUMANITAS: COURTESY AT ST. VICTOR

These texts bring us close to the “new” teaching of William of Champeaux, his “true philosophy,” in which the training of novices in *ethica* was an attraction that ranked next to the study of theology. A final look at the *Liber ordinis Sancti Victoris* shows us another aspect of the *forma vivendi* developed there.

The *Liber* was written around 1116 by Gilduin, William’s disciple and first abbot of St. Victor, probably with help from other members of the community.⁸⁰ It has a distinctive character compared with other works of its genre. Its recent editor, Ludo Milis, characterizes the Victorines, as they

⁷⁸ “Newness,” “renewal,” and becoming a “new man” are topoi of entry into a religious community and of the reform of the church in general. See Giles Constable, “Renewal and Reform in Religious Life: Concepts and Realities,” in *Renaissance and Renewal in the Twelfth Century*, ed. Robert C. Benson and Giles Constable (Cambridge, Mass., 1982), 37–67.

⁷⁹ Godfrey of St. Victor, *Fons philosophiae*, ed. Pierre Michaud-Quantin, *Analecta Mediaevalia Namurcensia* 8 (Namur, 1956), lines 741–84. Interesting insights into ethical training also in lines 401–4. The Victorine masters identify the “path of morality” with “beautiful manners” (*pulcri mores*). These distinguish the individual and help govern the family and the state. This is the threefold division of *practica* presented in *Didascalicon* 3.1: “*practica dividitur in solitariam, privatam, publicam*” (ed. Buttner, 48). *Fons phil.*, lines 413–16, places among the masters of *practica* (meaning ethics) some whom probity has made kings of the church, dukes (i.e., leaders) of souls, and even secular princes of lands who govern many peoples. Clearly *practica* aims at administration and governing.

⁸⁰ For literature on the *Liber ordinis Sancti Victoris*, see n. 12 above.

represent themselves in the *Liber ordinis*, as “plus originaux dans la formation de leur genre de vie, plus courtois (même au sens littéral du mot) et plus urbains” (*Liber*, avant propos, p. vi). I have only a few notes to add to this comment. The qualities Milis describes are evident in every chapter of the *Liber*. One example will suffice here: the reception and treatment of guests.

The gate keeper (*portarius*) is the first to welcome arrivals. He must be

a man of proven character, affable and kind-hearted, instructed in the discipline of manners and speech, who can serve as an example to all and embody the reputation of the entire house.⁸¹

Someone who troubles arriving guests with questions and delays is not suited, particularly if his rejoinders are abrasive or wounding. If he turns people away for any reason, he must beg their pardon humbly and explain himself, “lest they be hurt by his repulse” (“... ne aliquatenus de repulsa sua perturbentur . . .,” chap. 15, p. 55). Guests arriving for the first time must be met *cum magna benignitate et humanitate*. If they arrive on horseback, the porter should approach the one he takes to be the superior, and with a smiling face (*hilariter vultu*) he should receive his reins and stirrup and say, “May our lords be welcome” (“Bene ueniant domni nostri,” p. 56). The authors of courtly romances were to depict welcoming scenes with manners, gestures, and emotions close to the *Liber*. Here is the way the knight Calogrenanz describes his reception at an unknown castle in Chrétien de Troyes’s *Yvain*:

“I saw the master of the castle. I had no sooner saluted him than he came forward to hold my stirrup and invited me to dismount. . . . Then he told me more than a hundred times at once that blessed was the road by which I had come thither.”⁸²

The courtesy and humanity of the early Victorines as represented in the *Liber* is evident in many passages.⁸³ But the reception of guests by the porter

⁸¹ “. . . probatus moribus, affabilis et benignus, qui, morum atque uerborum disciplina instructus, cunctis quasi exemplum et titulus tocius domus proponatur” (chap. 15, CCCM 61:55).

⁸² *Le chevalier au lion (Yvain)*, ed. Mario Roques, Les classiques français du moyen âge 89 (Paris, 1960), lines 198–206. Cited here from Chrétien de Troyes, *Arthurian Romances*, trans. W. W. Comfort (London and New York, 1975), 182.

⁸³ Beyond the gentleness, modesty, considerateness, humanity, and charity typical of Benedictine monasticism and canonical communities, St. Victor appears to have cultivated amicability particularly. See *Liber*, chap. 17: [if someone should meet the guests of a brother] “laetam faciem demonstret”; [if the porter is not there] “benigne eos alloquatur” (CCCM 61:68); chap. 18: [someone who sees a brother wearing superfluous clothes] “amicabiliter et caritative ammonebit fratrem suum” (p. 75). See also the comments of Odo of St. Victor cited below, p. 77.

is the outstanding example. There is a strong strain of courtesy and humanity in the Benedictine Rule and the traditions it founded. It also calls for a humane and compassionate reception of guests.⁸⁴ The virtues of *caritas* and *humanitas* are active in both the Benedictine Rule and the *Liber*, but the mood is different.⁸⁵ The injunctions in the *Liber ordinis* not to offend the feelings of guests, to receive them *hilari vultu*, and to represent in their bearing inner virtues are best described with the terms Milis uses, "courtly and urbane." The Victorine prescripts provide a little mirror of courtly ritual.⁸⁶

The moment of reception, the mood of good humor and humane kindness, is especially important for reasons other than external etiquette: "from their first impressions of the outside they form an estimate of the things concealed within":

... primo occursum cum magna benignitate et humanitate recipiendi sunt . . .
ut ex his, quae extrinsecus vident, eorum, quae intrinsecus latent, existima-
tionem colligant . . . (1.19–22, p. 56).

⁸⁴ Cf. *Reg. Ben.*, chap. 53: every guest is to be received as if he were Christ. The prior or the brothers welcome him *cum omni officio caritatis*. But the tone and the actions are quite different from the St. Victor ritual: the welcomers and the newcomer pray together; the bearing proper to the welcomer is humility, shown by bowing the head or lying prone before the guest.

⁸⁵ A look at other customaries gives the Victorine ritual sharper profile. The Rule of St. Augustine gives no precepts for receiving guests. A recension of the Rule of Chrodegang of Metz calls for a porter who is "probabilis vitae, sobrius, patiens, et sapiens," a man who knows how to receive and render a response, who does his job "summa obedientia et humilitate"; he should not be drawn into any nonsense by outsiders but should receive guests "cum charitate" and close the door well (*Regula canonicorum*, chap. 12, ed. L. d'Achéry; printed in PL 89:1064). The *Decreta* of Lanfranc are dry and practical: the brother who receives guests should have various kinds of equipment ready—beds, towels, etc. (*The Monastic Constitutions of Lanfranc*, ed. David Knowles [New York, 1951], 87). The Premonstratensian custom is positively dour: when a guest knocks, the porter opens, asks humbly who it is and what he wants (*Institutiones patrum Praemonstratensium* 2.15, ed. E. Martène, *De antiquis ecclesiae ritibus*, 4 vols. [Antwerp, 1736–38; rpt. Hildesheim, 1967], 3:913). The *Regula clericorum* ("Petrus de Honestis") is more concerned with the porter's character, but is not very interested in the reception of guests (PL 163:747–48). The customs of Springersbach and Arrouaise give no rules for receiving guests. The comparison shows us again that Victorine custom is close to the customs of Marbach, which stipulate, [the brother who serves guests] "debet esse dulcis, benignus, humanus et discretus. . . . Super omnia vero debet apparere affectus animi, voluntas bona et larga, vultus hilaris et clarus, affabilitas pulchra et honesta . . ." (chap. 127, ed. Siegwart, p. 231).

⁸⁶ The precepts for receiving guests bear comparison with Andreas Capellanus's advice to women for the courtly reception of their lovers. *Andreas Capellanus on Love*, ed. and trans. P. G. Walsh (London, 1982), 160, section 410: "... hilari scilicet facie et urbanitatis quemlibet receptu suscipiant . . ."; 162, section 414: "hilari vultu in suo quemlibet adventu suscipere et suavia sibi responsa praestare" [= *opus curialitatis*]; *ibid.*, section 417: "ad vos venientes hilari receptione suscipitis et curialitatis verba secum adinvicem confertis. . . ."

This comment strikes a rich chord. It recalls Hugh's ideal of behavior in the *De institutione*, echoed in Godfrey of St. Victor's first impression of the community ("Ipsa rerum facie cogor assidere," *Fons phil.*, line 761). It suggests a conceptual unity underlying the life of St. Victor, Hugh's ethical thought, and his theology. Just as the exterior behavior of the disciplined man gives testimony to the composition of his mind, so also the behavior of the "outer man," the porter, symbolizes the interior ideals, *benignitas*, *humanitas*, *caritas*. It might be stretching the point a bit to apply to the porter of St. Victor's Hugh's definition of a sacrament,

Disc.: Quare dicitur sacramentum sacrae rei signum?

Mag.: Quia per id quod foris visibile cernitur, aliud interius invisibile significatur,⁸⁷

but not much. The congruence of inner and outer was an idea so widely shared in the school of St. Victor that it forms something like a unifying moral/intellectual concept.⁸⁸

These observations suggest that Hugh's moral philosophy and at least a part of his theology are the life at St. Victor turned into philosophy. But this is just what Hildebert of Lavardin had enjoined on William of Champeaux: he was to make a philosophy out of *conversatio* and *venustas morum*. The strain in the thought, teaching, and behavior of Hugh of St. Victor just noted suggests that Hildebert's letter has programmatic character.

The courtesy of St. Victor must have been some of the honey pressed from *venustas morum*. It was no doubt part of moral training. But it served the interests of the house as well. It made it attractive to converts. Just as the monastic communities put the cult of friendship to practical use in recruitment,⁸⁹ St. Victor beckoned to those outside with the attractions of its courteous and affable society. Odo of St. Victor wrote a letter to a brother living outside the community, recalling to him the cordiality of their society, their *dulce consortium* and *dulce colloquium*, and commending his brothers as

ad societatem amabiles, ad imitandum utiles. Sunt, inquam, amabiles ad societatem, tum pro vitae sanctitate, tum pro morum suavitate.⁹⁰

⁸⁷ *De sacramentis legis naturalis et scriptae*, PL 176:34B. Cf. *De sacramentis* 1.9.2, PL 176:317C. Here the comparison between sacrament and significatum, the human body and soul, and scriptural letter and meaning, suggests a common symbolic structure uniting theology (sacraments), ethics (body-soul), and textual studies (Scripture).

⁸⁸ Cf. Richard of St. Victor, *Explicatio in Cantica Canticorum*: "... disciplina loquendi . . . foris pulchram animam demonstrat. . . Ubi vero composita fuerint verba . . . testimonium dant constantiae mentis" (PL 196:462A). See also Odo of St. Victor, Ep. 4, PL 196:1408B-C.

⁸⁹ Jean Leclercq, *Monks and Love in Twelfth-Century France: Psycho-Historical Essays* (Oxford, 1979), 8-23.

⁹⁰ Odo of St. Victor, Ep. 2, PL 196:1403C. For some discussion of his letters, see Bynum, *Docere verbo et exemplo*, 44-45, 81-82.

The teaching of *mores* at St. Victor had another use. It was seen as a means of promotion in the church. *Elegantia morum*, *venustas morum*, the result of a discipline in *ethica*, were not only private virtues; they were also qualifications for church office; they were among the constituents of *idoneitas*.⁹¹ It is not easy to say whether the study of letters or the study of manners was the more practical in regard to advancement. Thomas Becket had not been an expert in letters, but he worked hard on *mores* and excelled in that study.⁹² Wazo of Liège favored the students who distinguished themselves in *mores* over those who merely excelled in letters.⁹³ A letter from Richard of St. Victor to Robert of Melun congratulating him on his promotion to Bishop of Hereford gives us an interesting insight into Victorine attitudes on the subject. Robert had taught briefly at St. Victor before his election. Richard writes congratulating him:

... all your students were filled with joyful hope [at the news of your promotion], and the entire school was heartened and roused to the love of letters and the cultivation of virtue through the example of your efforts and your success.⁹⁴

Joined to the love of letters, *cultus virtutis* was not entirely disinterested personal ethical formation—not a kind of aesthetic-spiritual self-perfecting—but also a study that shaped men for the service of church and state.⁹⁵

CONCLUSION

The humanism of St. Victor is fed by the diffusion of an ethic that spread from the cathedral schools in the course of the eleventh century. It picks

⁹¹ See Jaeger, *Origins of Courtliness*, 32–34.

⁹² William Fitzstephen, *Vita Thomae*, chap. 5: “Thomas minus litteratus erat; sed longe quidem altior est ratio morum quam litterarum, et ipse studuit moralitati et prudentiae intendere, ut inter eos, litteris adhuc inferior, moribus conspectior et acceptior appareret” (ed. James Craigie Robertson, *Materials for the History of Thomas Becket*, Rolls Series 67.3 [London, 1877], 16).

⁹³ Anselm, *Gesta episcoporum Leodiensium*, chap. 40, MGH SS 7 (Hannover, 1846), 210–11: “In quarum [= scolarum] studio tam morum quam litterarum vigilantissime exercuit disciplinam, eos qui pro his moribus essent, licet minus litteratos, longe his anteponebat, quibus, ut in plerisque solet, scientia litterarum vanae gloriae peperisset stulticiam.”

⁹⁴ “. . . spe non modica hilarati sunt auditores vestri, tum universi scholares animati ad amorem litterarum, et cultum virtutum, vestri laboris et successus exemplo” (PL 196:1225A). Perhaps somewhat revealing on the connection between the life of canons regular and promotion in the church is Abelard’s accusation that William of Champeaux converted “ut quo religiosior crederetur ad majoris prelationis gradum promoveretur . . .” (*Historia calamitatum*, ed. Monfrin, p. 65, lines 74–75). The suggestion that the canonical life had this effect must have weight whether or not that was William’s intention.

⁹⁵ See the discussion in Jaeger, “Cathedral Schools,” 594–601.

up ideals of “beautiful manners” and the congruence of inner world and outer appearance that found a good, perhaps an ideal context in the lives and customs of canons regular with their stress on humanity, charity, and irreproachable appearance in external things. The Ciceronian-Ambrosian ethic of beautiful conduct “sat” perfectly in this context. A worldly ethic stressing fine manners and courtesy tended to overrefinement and ostentation in secular and episcopal courts. The founders and early teachers at the School of St. Victor superimposed an ethic of refined bearing onto the ideals of the apostolic life, equality of manners and renunciation of possessions. This created a quasi-monastic courtesy, an ascetic Ciceronianism, with a degree of legitimacy that the old imperial program of cathedral school education with its more worldly Ciceronianism could never again attain in the wake of the investiture controversy. It occupies a middle position between the worldly ethic of the secular courts and the asceticism of the new monastic movements.

But apart from its social and historical context, Victorine humanism had its own content. Acquisition of virtue through training of the body, self-presentation made into a work of art, carriage and bearing as a symbolic code that conveys through outward elegance inner beauty and harmony: these are what the training of novices at St. Victor promised, and they must have represented powerful incentives to conversion. They spoke above all to worldly men of high nobility. If men wanted sainthood and escape from the self, they went to monastic communities. St. Victor offered “letters,” beautiful manners, theological illumination, the “good”—that is the ordained and regulated—life, a life that left open the possibility of advancement in the church.

The first two constituted its particular form of humanism. The two major works that convey that humanism are Hugh’s *Didascalicon* (letters) and his *De institutione novitiorum* (*mores*). The history of humanistic education in the Middle Ages changes its aspect altogether, depending on which side of that formula we look at. “Letters” have commanded most scholarly attention. The Victorine writings are invaluable because they also offer such good testimony to the teaching of *mores* and even indicate what form “beautiful manners” took when embodied in a trained and disciplined brother.

Impressive as the *Didascalicon* is in its breadth and coherence, the eccentric and unevenly composed *De institutione* formulated the *studium vivendi*, at least as attractive and important in the schooling at St. Victor as the *studium legendi*.

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BERTHAUD OF ST. DENIS: AN OPPONENT OF HENRY OF GHENT'S COUNTING METHOD

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It is generally known that Henry of Ghent, a secular master who flourished between 1276 and 1292 at the university in Paris, had to defend his theories against attacks by mendicant masters. What is less well known is that this same master also experienced criticisms from some of his fellow secular masters, one of whom was Berthaud of St. Denis (d. 1307). Although Henry's thought perhaps has been studied more than Berthaud's,¹ Berthaud, described as "vir subtilis et in multis scientiis expertus et famosus,"² did have a certain influence. He was, for example, probably present during the meeting of masters concerning the number of substantial forms, which was reported by Henry;³ and, as Prof. Ludwig Hödl has recently indicated, he was intimately involved in the dispute concerning the privileges of the friars.⁴ In addition to some sermons⁵ and a *Quaestio disputata* concerning the

¹ For the most recent bibliographies of Henry of Ghent, see Matthias Laarmann, "Bibliographia auxiliaris de vita, operibus et doctrina Henrici de Gandavo," *Franziskanische Studien* 73 (1991): 324–66, and Pasquale Porro, *Enrico di Gand: La via delle proposizioni universali* (Bari, 1990), 175–210. Rather complete bibliographical references can be found in the notes in M. A. Santiago De Carvalho, "Henrique de Gand (†1293): A propósito da edição dos seus 'Opera Omnia,'" *Humanistica e teologia* 12 (1991): 1–26.

² See Barthélemy Hauréau, "Berthault de Saint-Denis, théologien," in *Histoire littéraire de la France*, vol. 25 (Paris, 1869), 319.

³ See Robert Wielockx, ed., Aegidius Romanus, *Apologia*, in *Aegidii Romani Opera omnia*, vol. 3.1, Unione Accademica Nazionale, Corpus Philosophorum Medii Aevi Testi e Studi 4 (Florence, 1985), 122 n. 4; P. Glorieux, *Répertoire des maîtres en théologie de Paris au XIII^e siècle*, 2 vols. (Paris, 1933), passim; Henry of Ghent, *Quodlibet X*, q. 5, ed. R. Macken, *Henrici de Gandavo Opera omnia*, vol. 14 (Leuven, 1981), 127–28, apparatus.

⁴ Ludwig Hödl, "Berthold von Saint-Denis (†1307): Ein weltgeistlicher Anwalt der Mendikanten in der Auseinandersetzung mit Heinrich von Gent," in *Ecclesia et regnum. Beiträge zur Geschichte von Kirche, Recht und Staat im Mittelalter: Festschrift für Franz-Josef Schmale zu seinem 65. Geburtstag*, ed. D. Berg and H.-W. Goetz (Bochum, 1989), 241–60; Henry of Ghent, *Quodlibet XII*, q. 31 (*Tractatus super facto praelatorum et fratrum*), ed. L. Hödl and M. Haverals, *Henrici de Gandavo Opera omnia*, vol. 17 (Leuven, 1989), XLVII–XLVIII, LXIII, LXXV–LXXVI, LXXX, LXXXIV–LXXXVIII, CXXXI, 92, 97, 99, 118, 205, 259, 265.

⁵ Cf. Johannes Baptist Schneyer, *Repertorium der lateinischen Sermones des Mittelalters*, vol. 1, Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters 43.1 (Münster i. W., 1969), 505.

privileges of the friars,⁶ the seventeen questions of Berthaud's first *Quodlibet* have survived.⁷ The final question of this *Quodlibet* is the subject of the present brief study.

In Henry's *Quodlibet VII*, q. 12, which can be accurately dated to December of 1282,⁸ the Doctor Sollemnis was aware of a finger-counting theory proposed in Berthaud's *Quodlibet I*, q. 17, which can be definitely dated to 5 March 1282.⁹ It is in this question that Berthaud in describing his own counting method made some critical remarks concerning Henry's earlier analysis of finger counting in his own *Quodlibet I*, given in Advent of 1276.¹⁰ In his 1282 quodlibetic discussion, Henry had the opportunity not only to defend his own earlier theory of finger counting, attacked by Berthaud in March of 1282, but also to demonstrate the inadequacies of Berthaud's analysis. In this historical and textual context of criticisms and responses during these quodlibetical disputations, Berthaud emerges as an opponent of Henry. A transcription of Berthaud's *Quodlibet I*, q. 17, based upon the manuscript Paris, Bibliothèque Nationale lat. 14726, will provide the basis for comparing his text with certain passages of Henry's *Quodlibet VII*, q. 12, in which Henry discussed the opinion of an unnamed contemporary. The juxtaposition of texts will illustrate that this unnamed thinker is indeed Berthaud. Finally, Henry's critique of Berthaud will be placed in the context of the philosophical and theological passages that defined the parameters of these discussions of finger-counting methods.

⁶ See Hödl, "Berthold," 241–60.

⁷ P. Glorieux, *La littérature quodlibétique de 1260 à 1320*, Bibliothèque Thomiste 5 (Kain, 1925), 105–6; idem, *La littérature quodlibétique II*, Bibliothèque Thomiste 21 (Paris, 1935), 67.

⁸ P. Glorieux, "Prélats français contre religieux mendiants: Autour de la bulle 'Ad fructus uberis' (1281–1290)," *Revue d'histoire de l'Église de France* 9 (1925): 318; idem, *La littérature quodlibétique de 1260 à 1320*, 88–93; idem, *La littérature quodlibétique II*, 375; idem, "Un recueil polémique de Guillaume de Mâcon," *Studia Gratiana* 2 (1954): 627–28; Jean Paulus, *Henri de Gand: Essai sur les tendances de sa métaphysique*, Études de philosophie médiévale 25 (Paris, 1938), xv n. 1; José Gómez Caffarena, "Cronología de la 'Suma' de Enrique de Gante por relación a sus 'Quodlibetos,'" *Gregorianum* 38 (1957): 133; Henry of Ghent, *Quodlibet I*, ed. R. Macken, *Henrici de Gandavo Opera omnia*, vol. 5 (Leuven and Leiden, 1979), xvii; idem, *Quodlibet VII*, ed. G. A. Wilson, *Henrici de Gandavo Opera omnia*, vol. 11 (Leuven, 1991), xxviii–xxx.

⁹ See Paris, Bibliothèque Nationale lat. 14726, fol. 170vb; Glorieux, *La littérature quodlibétique de 1260 à 1320*, 105–6; Henry of Ghent, *Quodlibet VII*, ed. Wilson, xxx.

¹⁰ See Henry of Ghent, *Quodlibet I*, q. 36, ed. R. Macken, 202–4.

THE TEXT

What follows is a transcription of Berthaud's *Quodlibet I*, q. 17, in Paris, Bibliothèque Nationale lat. 14726.

/180va/ Ad 17^{am} quaestionem sic arguitur: dicunt sancti et philosophi quod numerus 30^{us} <et> numerus 60^{us} transeunt de dextra ad laevam. Numerus autem 100^{us} transit de laeva ad dexteram.

Quod autem hoc non sit verum videtur, quia, qua ratione possunt incipere computare per iuncturas a dextra manu, eadem ratione a sinistra, et sic nulla ratio est quare unus numerus transeat a dextra manu ad sinistram quam a sinistra ad dexteram.

Item. Si incipias computare a dextra manu per iuncturas 4 digitorum—pollicem enim non ponimus in eo quod numeratur sed magis reputatur numerans vel computans—tunc sunt ibi 16 significationes vel puncta vel unitates computando summitates digitorum et 16 in sinistra. Item 16 in dextra; item 16 in sinistra et sic fiunt 64. Item 16 in dextra et fiunt 80. Item 16 in sinistra et sic fiunt 100, 4 minus. Ad hoc ergo quod 100 perficiantur oportet sumere residua 4 in manu dextra et sic sicut 100 incipit a manu dextra, ita terminatur in manu dextra, non ergo transit a laeva manu ad dexteram.

Eodem modo, si inciperet computare a manu sinistra usque /180vb/ ad 100, inciperet 100 a manu sinistra et terminaretur in sinistra—nec ergo si a^a dextera in laevam nec a laeva in dexteram transit 100.

Sed contra hoc est quod AMBROSIUS,^b HIERONYMUS,^c <et> AUGUSTINUS^d contrarium dicunt et habetur etiam in Glossa^e evangeliorum, MATTHAEI XIII^o, super illud *dabant fructum aliud 100^{um}, aliud 60^{um}, aliud 30^{um}*^f et LUCAE VII^o.^g

Responsio. In quaestione ista licet sit valde facile in se, multi tamen oberrant. Non enim illa quaestio aliud quaerit, nisi quomodo verba ista intelligantur quod duo numerorum praedictorum transeunt de dextra ad laevam, unus autem eorum transit a laeva ad dexteram. Difficile autem est hoc videre non propter rem in se, sed quia modus loquendi et modus numerandi et computandi qui erat apud antiquos apud nos abiit in dissuetudinem,

^a a *sup. lin.* ms.

^b Non inveni.

^c Cf. Hieronymum, *Adversus Iovinianum* 1.3 (PL 23:213B–214A, alt. ed. 223B–224A).

^d Cf. Augustinum, *Sermo* 175 (PL 38:945–49).

^e Cf. *Glossam ordinariam in Matth.* 13.23 (ed. 1634, vol. 5, fol. 240Dd).

^f Mt 13:23.

^g Cf. Lc 7:41.

sicut sunt multa alia quae apud eos erant facillima quae modo nobis proposita quasi penitus ignoramus.

Oberrant autem quidem in ista quaestione, quia, cum debent dare litteralem expositionem vel rationem huius quod quaeritur, convertunt se ad mysticam. Dicunt enim quod quia 100^{us} numerus attribuitur virginibus et 60^{us} viduis et 30^{us} coniugatis sicut vult HIERONYMUS,^h licet alio modo adaptet AUGUSTINUS in libro De virginitate,ⁱ ideo 100^{us} dicitur transire ad dexteram quasi ad partem digniorem cum virginitatis status nobilior sit, alii autem numeri ad sinistram tamquam ad partem indigniorem. Et bene hoc competit istis numeris, quia 100^{us} numerus est perfectus quasi consummatus, a qua perfectione declinant alii numeri sicut status coniugatorum et viduarum a culmine status virginum.

Sed dato quod isti bene accipiant significationem fructus 100ⁱ et fructus 60ⁱ et fructus 30ⁱ, non tamen propter hoc accipiunt significationem numerorum in se; et dato quod accipiant, non tamen accipiunt significationem ratione^j significationis nisi valde in generali. Sed omnibus istis suppositis et omni significatione abstracta, contingit quaerere quomodo 100^{us} numerus transit de laeva ad dexteram et alii duo numeri e contrario.

Et de hoc isti ibi dicunt.

Oberrant etiam alii alio modo in ista quaestione propter falsam imaginationem. Credunt enim isti quod sic debeat intelligi quod per computationem transeat 100^{us} a sinistra manu ad dexteram manum et alii duo numeri a dextra manu ad sinistram manum. Et iuxta hanc imaginationem in qua fundant se fingunt quemdam modum computandi fuisse apud antiquos per complicationem digitorum. Ex quibus complicationibus multitudinis surgunt isti numeri ita quod unus transit ad dexteram manum, alii duo ad sinistram.

Forte isti credunt mirabilia dicere. Unum tamen scio quod ipsi rationem non reddunt quare magis incipiat computatio in /181ra/ dextra quam in sinistra, et iterum, sicut prius, opponebatur; nec complicationes incipientes a dextra manu si numerentur usque ad 100 non ibit a^k sinistra in dexteram, sed a dextra in dexteram.

Propter hoc dicam ego aliter quod, quia ista verba errant ita usitata et plana apud antiquos, ideo non videbatur eis quod deberent ea nobis relinquere exposita, quia nunc iam per dissuetudinem factam sunt nobis quod ignota, ideo oportet quod ego exponam ea quae in se sunt planissima et facillima.

^h Cf. Hieronymum, *Adversus Iovinianum* 1.3 (PL 23:213B-214A, alt. ed. 223B-224A).

ⁱ Cf. Augustinum, *De sancta virginitate* 46 (XLV) (CSEL 41:290-91).

^j ratione] rationem ms.

^k a] dextra in *add. sed exp.* ms.

Sciendum ergo est quod retenta hac imaginatione quod unus istorum numerorum transeat a sinistra manu ad dexteram manum et alii duo numeri a¹ dextra manu ad sinistram, impossibile est non errare in intellectu istorum verborum “100^{us} transit a laeva ad dexteram, 30^{us} <et> 60^{us} a dextra ad laevam.” Sed debet transitus iste et computatio intelligi in una manu tantum, sicut satis patet ex verbis HIERONYMI^m in libro suo qui vocatur “Apologetica.”

Ad cuius evidentem declarationem quod in manu sunt quinque digiti quos etiam antiqui propriis nominibus designarunt, scilicet pollex, index, medius, medicus, auricularis. Ecce ergo quod maior digitus inter alios vocatur medius, quasi quidem rerum in medio suorum et maior aliis, habens quosdam digitos ad dextrum latus et quosdam ad sinistrum, ita quod index et pollex sunt a parte dextra, medicus et auricularis sunt a parte sinistra. In quolibet istorum digitorum est significare et imaginari 4 puncta, computando summitates digitorum pro punctis. Pollex autem quando computatio fiet est quod computator vel numerator, et ideo numerare incipies ab infimo puncto vel radice indicis usque ad summitatem et erunt 4. Deinde accipies medium digitum incipiendo a summitate et descendes computando et fient 4 quae iuncta primis 4 faciunt 8. Deinde incipies a radice medici ascendendo sursum et fient 12. Deinde incipies a capite auricularis descendendo deorsum et fient 16.

Deinde reincipies a radice indicis et facies ut prius et tunc videbis 30^{um}, qui a dextra incipit terminari et remanere in laeva, scilicet in puncto auricularis qui est immediate post summitatem, et 60^{um} numerum terminari in summitate medici, 100^{um} autem redire ad eundem digitum a parte dextra a qua incepit, scilicet ad indicem et terminari in summitate indicis. Unde ab eodem digito a quo incipit 100^{us} ad eundem digitum terminatur, unde circularis est numerus et ideo circulatione ista *exprimit virginitatis coronam* et ideo attribuitur virginibus, ut dicit HIERONYMUS.ⁿ Quia vero 60^{us} numerus terminatur in summitate medici, qui quidem digitus comprimitur a medio, altior est tamen auriculari, ideo per istum digitum viduae signantur. Medicus enim nullo modo /181rb/ potest comprimere medium digitum, sed sensibilibiter medius comprimit medicum. 30^{us} autem terminatur in puncto immediato summitati auricularis quod bene competit coniugatis et tenet digitus ille partem uxoris et medicus partem mariti. Nec est inconveniens, ut dicit HIERONYMUS,^o quod *in eadem manu hisdem digitis in laeva nuptae et viduae signantur*. Et haec sunt verba HIERONYMI^p in Apologetico suo, ubi hoc

¹ a iter. MS.

^m Cf. Hieronymum, *Adversus Iovinianum* 1.3 (PL 23:213B–214A, alt. ed. 223B–224A).

ⁿ Ibid. (PL 23:214A, alt. ed. 224A).

^o Ibid. (PL 23:213C, alt. ed. 224A).

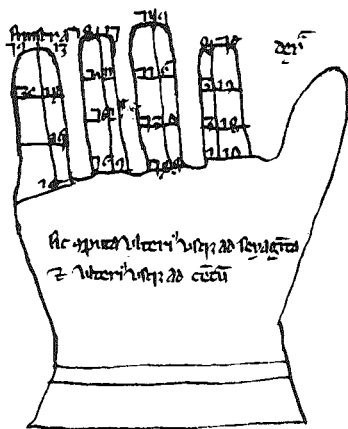
^p Ibid. (PL 23:213B–C, alt. ed. 223B–224A).

modo fundat istam signationem super sensum litteralem praedictum, “100^{us},” inquit, “et 60^{us} et 30^{us} fructus quamquam de una^q terra et de una semente^r nascantur, tamen multum differt in numero: 30 enim referuntur ad nuptias, quia ibi et ipsa digitorum coniunctio et quasi molli osculo se complexans et foederans maritum pingit et coniugem; 60 vero ad viduas, eo quod in angustia et tribulatione sunt positae. Unde et superiori digito deprimuntur quantoque maior difficultas expertae quondam voluptatis illecebris abstinere tanto maius et praemium.

Porro numerus 100^{us} (quaeso, diligenter, lector, attende) de sinistra transfertur ad dexteram et hisdem quidem digitis quibus,” scilicet transferuntur alii numeri de dextra ad laevam, et subdit: “sed in eadem manu non quibus in laeva nuptiae significantur et viduae circum faciens exprimit virginitatis coronam.”

Per hoc patet solutio obiectorum.

Ecce ergo tot dicta sunt circa istas quaestiones ubi si quid male dixi veniam peto et correctioni caritativae suppono; si autem aliquid bene, non mihi gratiae, sed reddantur Deo cui est honor et gloria per infinita saecula. Amen. Ut autem quaestionem ultimam melius videas subiectam inspicere figuram.



Paris, Bibliothèque Nationale lat. 14726, fol. 181r.¹¹

^q una] terrae add. sed exp. MS.

^r una semente] uno semite MS.

¹¹ For a similar figure in the manuscripts of Henry of Ghent, cf. Padua, Biblioteca Capitolare C 43, fol. 19r, reproduced in Henry of Ghent, *Quodlibet I*, ed. R. Macken, photograph XII.

In his first *Quodlibet* (Christmas, 1276), Henry treated the question “Quomodo intelligatur illud Hieronymi de numero centesimo, quod incipit a dextra et tendit in laevam et iterum revertitur ad dextram.”¹² At Christmas of 1282, in his *Quodlibet VII*, q. 12, he again treats this topic under the question “De trigesimi et sexagesimi formatione, quare dicuntur transire a dextra in laevam.”¹³ The issue is discussed at great length in the later *Quodlibet* and in it Henry seems to be aware of the text of Berthaud that was transcribed above, as the juxtaposition of certain passages will illustrate. The parallels are highlighted here by being placed in italics.

First, in discussing whether, when using one’s fingers to count, there is anything in the very nature of certain numbers which would indicate that the transition to them belongs either to the left or the right, Henry writes of certain “expositores,” one of whom is probably Berthaud:

Henry of Ghent

Berthaud of St. Denis

Discurrendo enim in formando numeros super articulos digitorum secundum modos quos expositores, licet occulte, insinuant, *non est maior ratio quare incipiat in una manu quam in alia . . .* (*Quodlibet VII*, q. 12, ed. Wilson, 74.15–18).

Unum tamen scio quod ipsi *rationem non reddunt quare magis incipiat computatio in dextra quam in sinistra. . .*

Henry assures his readers that he intends to examine all the material concerning counting methods.¹⁴ He specifically describes four methods and states that he has never seen or heard of any methods other than these four.¹⁵ In his presentation of a third method of finger counting it is most evident that Henry knew the thought of Berthaud. Berthaud had argued that error would be inevitable if the number one hundred entailed the transition from the left to the right hand and two other numbers, thirty and sixty, involved a movement from the right to the left hand:

Henry of Ghent

Berthaud of St. Denis

Oberrant etiam alii alio modo in ista quaestione propter *falsam imaginationem*. . . Et iuxta hanc imaginationem

¹² Ibid., 202.

¹³ Henry of Ghent, *Quodlibet VII*, q. 12, ed. Wilson, 73.

¹⁴ Ibid., 75.38–40: “Sed ne aliquid circa illam de contingentibus omittamus, nunc ad declarationem huius quaestionis et dictorum in illa quaestione, totam materiam utriusque diffusius prosequamur.”

¹⁵ Ibid., 87.40–41: “. . . respiciendo omnes dictas quattuor expositiones, extra quas nec vidi nec audivi de alia. . . .”

Propter quod dixit aliquis dictum modum "*per digitorum complicationem esse figmentum et falsam imaginationem,*" et quod, "*retenta imaginatione quod unus numerorum,* de quibus est quaestio, *transeat a sinistra manu in dextram, et alii duo a dextra in sinistram, impossibile est non errare in expositione dictorum verborum*" (*Quodlibet VII*, q. 12, ed. Wilson, 77.4–78.7).

Berthaud, of course, had presented in the text transcribed above a method of counting by using just one hand, the thumb being the numerator and the joints and tips of the other fingers serving as marks for numbers. Henry's presentation of this method parallels Berthaud's text:

Henry of Ghent

Propter quod ponit quod ista computatio debet intelligi in una manu tantum, dicendo quod in *pollice* nullius numeri fiat signatio, quia ipse *est numerator*, sed quod solum fit numeratio in quattuor digitis, inter quos, numerantem scilicet et numeratos, *medius* est *maximus habens indicem a dextris* versus *pollicem*, et *medi<c>um* atque *auricularium a sinistris*. In *quolibet* autem *istorum* quattuor *digitorum* est assignare *quattuor puncta*, tria in iuncturis et unum in summitate cuiuslibet. Quo posito, quasi formando numeros omnes in manu dextra, dicit quod in *infima* iunctura *indicis* *incipies numerare*, et ibi signabis unum, et in secunda duo, et in tertia tria, et in *summitate* eiusdem *quattuor*, et in *summitate medii* quinque, et in proxima iunctura eiusdem, sex, et in sequenti, septem, et in infima, *octo*, et *deinde* in infima iunctura *medici*, novem, et in sequente, decem, in tertia, 11, in summitate vero eiusdem 12. *Deinde* in summitate *auricularis*, 13, et in proxima iunctura eius, 14 et in secunda 15, in tertia vero 16.

in qua fundant se fingunt quemdam modum computandi fuisse apud antiquos *per complicationem digitorum*. . .

Sciendum ergo est *quod retenta hac imaginatione quod unus* istorum *numerorum transeat a sinistra manu ad dexteram* manum *et alii duo numeri a dextra manu ad sinistram, impossibile est non errare in intellectu istorum verborum* "100^{us} transit a laeva ad dexteram, 30^{us} <et> 60^{us} a dextra ad laevam."

Berthaud of St. Denis

Ad cuius evidentem declarationem quod in manu sunt quinque digiti quos etiam antiqui propriis nominibus designarunt, scilicet pollex, index, medius, medicus, auricularis. Ecce ergo quod maior digitus inter alios vocatur *medius*, quasi quidem rerum in medio suorum et maior aliis, *habens* quosdam digitos *ad dextrum* latus et quosdam *ad sinistrum*, ita quod *index* et *pollex* sunt a parte dextra, *medicus* et *auricularis* sunt a parte *sinistra*. In *quolibet* istorum *digitorum* est *significare* et imaginari 4 *puncta*, computando summitates digitorum pro punctis. *Pollex* autem quando computatio fiet *est* quod computator vel *numerator*, et ideo *numerare incipies* ab *infimo* puncto vel radice *indicis* usque ad *summitatem* et erunt 4. Deinde accipies *medium* digitum incipiendo a *summitate* et descendes computando et fient 4 quae iuncta primis 4 faciunt 8. *Deinde* incipies a radice *medici* ascendendo sursum et fient 12. *Deinde* incipies a capite *auricularis* descendendo deorsum et fient 16.

Deinde iterato incipies ab infima iunctura indicis, et ibi signabis 17, et sic deinceps, ut prius, usque ad proximam iuncturam summitati auricularis, ubi invenies signari 30, in laeva scilicet parte respectu medii, cum tamen numeratio incepit a dextra parte. Et tunc procedendo ulterius simili modo ut prius, assignabis in secunda iunctura auricularii 31, et in tertia 32.

Et adhuc tertio incipies ab infima iunctura indicis, et ibi signabis 33, et consimiliter ulterius procedes, ut prius, et invenies 60 signari *in summitate medici* et ita in parte sinistra. Deinde ulterius procedes, et signabis in summitate auricularis 61, et in proxima iunctura 62, et in secunda 63, et in tertia 64.

Et iterum incipies quarto ab indice, ut prius, et signabis ibi 65 et procedes signando et numerando ut prius, et invenies in infima iunctura auricularis signari 80.

Deinde quinto incipies ab indice, ut prius, et signabis ibi 81, et procedendo ut prius invenies signari in infima iunctura auricularis 96.

Deinde sexto incipies ab indice et signabis in infima iunctura eius 97, in secunda 98, in tertia 99, *in summitate vero indicis centum*. Et *terminatur* computus in dextra parte in *eodem digito a quo incepit*, faciens *circulum*, propter quod signat *virginum coronam*. *Quia vero sexagesimus* signatur *in summitate medici, qui brevior est medio et altior auriculari, ideo per illum numerum signatur praemium viduarum*, quod est minus praemio virginum, et maius praemio coniugatorum.

Trigesimus vero signatur *in prima iunctura sub summitate auricularis, et tenet rationem uxoris, et medicus rationem mariti, propter quod ille numerus com-*

Deinde reincipies a radice indicis

et facies ut prius et tunc videbis 30^{um}, qui *a dextra incipit* terminari et remanere *in laeva*, scilicet in puncto auricularis qui est immediate post summitatem,

et 60^{um} numerum terminari *in summitate medici*, 100^{um} autem redire ad eundem digitum a parte dextra a qua incepit, scilicet ad indicem et terminari *in summitate indicis*.

Unde ab *eodem digito a quo incipit* 100^{us} ad eundem digitum *terminatur*, unde *circularis* est numerus et ideo circulatione ista “*exprimit virginitatis coronam*” et ideo attribuitur virginibus, ut dicit HIERONYMUS. *Quia vero* 60^{us} numerus terminatur *in summitate medici, qui quidem digitus comprimitur a medio, altior est tamen auriculari, ideo per istum digitum viduae signantur*. Medicus enim nullo modo potest comprimere medium digitum, sed sensibilibiter medius comprimit medicum. 30^{us} autem terminatur in puncto immediato *summitati auricularis quod bene competit coniugatis et tenet* digitus ille partem uxoris et me-

petit coniugatis (*Quodlibet VII*, q. 12, ed. Wilson, p. 78.9–79.49).

dicus partem mariti. Nec est inconueniens, ut dicit HIERONYMUS, quod in eadem manu hisdem digitis in laeva nuptae et viduae signantur.

It is sufficient for the present purpose of comparing these two texts to note that Henry's description of this method of counting on one hand is frequently taken literally from the presentation of Berthaud. Furthermore, in his criticisms of this method, Henry has two occasions to describe it, both of which indicate a familiarity with the text of Berthaud. One passage is as follows:

Henry of Ghent

Quod autem dicit ista opinio, *quod "retenta imaginatione de sinistra et dextra in diversis manibus, impossibile est in dictorum verborum expositione non errare"* . . . (*Quodlibet VII*, q. 12, ed. Wilson, 81.99–1)

Berthaud of St. Denis

Sciendum ergo est *quod retenta hac imaginatione* quod unus istorum numerorum transeat a *sinistra* manu ad dexteram manum et alii duo numeri a *dextra* manu ad sinistram, *impossibile est non errare in intellectu istorum verborum* "100^{us} transit a laeva ad dexteram, 30^{us} <et> 60^{us} a dextra ad laevam."

The other description of this theory is found in Henry's critical remarks and is based upon the same text of Berthaud:

Henry of Ghent

Quod ista opinio dicit, "in eadem manu debere accipi dextram et laevam, et quod dextra et laeva signant non manus diversas, sed situs in eadem manu diversorum digitorum respectu unius medii inter illos, et *quod, retenta imaginatione de dextra et laeva accipienda in diversis manibus, impossibile est non errare in dictorum verborum expositione,*" non est verum usquequaque (*Quodlibet VII*, q. 12, ed. Wilson, 79.50–55).

Berthaud of St. Denis

Sciendum ergo est *quod retenta hac imaginatione* quod unus istorum numerorum transeat a *sinistra* manu ad dexteram manum et alii duo numeri a *dextra* manu ad sinistram, *impossibile est non errare in intellectu istorum verborum* "100^{us} transit a laeva ad dexteram, 30^{us} <et> 60^{us} a dextra ad laevam."

Finally, Henry writes that some have given the title "Apologicon" to Jerome's work, *Contra Iovinianum*. Berthaud twice refers to this work by such a title:

Henry of Ghent

Unde, quod *in una manu* accipienda sunt dextra et laeva, et non in diversis,

Berthaud of St. Denis

Sed debet transitus iste et computatio intelligi *in una manu* tantum, sicut satis

hoc plane est contra *HIERONYMUM*, qui in libro I^o Contra Iovinianum, quem aliqui "Apologicon" vocant . . . (*Quodlibet VII*, q. 12, ed. Wilson, 80.68–70).

patet ex verbis *HIERONYMI* in libro suo qui vocatur "Apologetica."

Et haec sunt verba *HIERONYMI* in *Apologetico* suo. . . .

The philosophical and theological context in which Henry discussed finger counting is twofold. First, these counting methods entailed using fingers, and it was believed that the position of the hands or fingers in forming certain numbers, especially the numbers thirty, sixty, and one hundred, resembled or represented certain states of life. Second, there are passages in the Glosses on Scripture and in the writings of the Fathers concerning the formation of certain numbers with hands and fingers, and counting theories in the 1280s needed to be consistent with these passages.

In his *Quodlibet VII*, q. 11, "Quare trigesimus ab expositoribus sacris appropriatur maritatis, sexagesimus viduis, centenarius vero virginibus,"¹⁶ Henry maintains that the representation of certain states of life—namely, marriage, widowhood, and virginity—by the numbers thirty, sixty, and one hundred is to be understood in the context mentioned above. In this question, Henry asserts that these numbers do represent these states, not from the nature of things, but only from a certain similitude or proportion between the composition of these numbers and the way of living in these states of life.¹⁷ There are two kinds of life: an active one, which pertains to the present life in this world of toil and sorrow, and a contemplative one, which is the life of future glory and happiness.¹⁸ The active life, compared with the contemplative, is imperfect and can be further subdivided into two states: the lower, which is the state of marriage, and the higher, which is the state of continence after marriage. Both of these are inferior to the state of virginity, which corresponds to the higher state of the contemplative life.¹⁹

¹⁶ Henry of Ghent, *Quodlibet VII*, q. 11, ed. Wilson, 71.

¹⁷ Ibid., 71.4–7: "Ad tertiam quaestionem, propositam sine argumentis, dicendum quod numeri dicti non appropriantur dictis statibus ex aliqua natura rei, sed ex similitudine et proportionem quadam in illorum numerorum compositione, et vivendi modo in illis statibus."

¹⁸ Henry's analysis is consistent with a passage of Gregory, who previously compared this present life with the left hand and the future life with the right hand. See Gregory the Great, *Homiliae in Hiezechiellem* 2.5.12, ed. M. Adriaen, CCL 142 (Turnhout, 1981), 285.342–43: "Sinistra enim nostra est uita praesens, dextera uero est uita uentura."

¹⁹ Henry of Ghent, *Quodlibet VII*, q. 12, ed. Wilson, 71.8–72.21: "Est igitur intelligendum quod duplex est modus vivendi, secundum quod est vita activa et vita contemplativa. Quarum secunda pertinet per se ad vitam beatam in futura gloria, prima vero ad vitam miseram in praesenti tristitia, et quarum prima inchoata fuit quodam modo in vita beata status innocentiae in paradiso terrestri, sed intermissa, homine de paradiso expulso, ut oporteat

This association of numbers with states of life by Henry is consistent with the interlinear gloss on Mark 4:8, where in the Marcan passage, “Et afferebat fructum, unum triginta, et unum sexaginta et unum centum,” thirty is identified as the state of marriage, sixty as the state of continence, and one hundred as the state of virginity.²⁰ Gregory’s *Homiliae in Hiezechihalem*²¹ and Alardus Gazaeus’s *Commentarius*²² on the *Collationes* of John Cassian also make similar associations.

The second aspect of the context which formed Henry’s discussion concerning finger counting was that counting methods needed to be consistent with certain passages from the Fathers and from the Glosses on Scripture. These sources came particularly from Jerome and Bede, but other passages played influential roles as well.

The most significant passages came from Jerome’s *Contrā Iovinianum*. Here, shortly after the beginning of the work, Jerome states that “the number one hundred moves from the left to the right and it is formed with the same fingers, but not on the same hand by which marriage and widowhood were formed, that is the left hand. In this way the number one hundred

ipsum tribulari in vita activa, quae deducitur per fidem, et bona virtutum opera secundum decem decalogi mandata, per quorum observantiam revertitur ad contemplanda aeterna.

Activa autem vita imperfecta est ex genere suo respectu contemplativae, et habet duplicem statum, infimum qui est coniugatorum, et superiorem qui est continentium post connubium, super quem est supremus virginum, quorum munditia congruens est statui contemplantium.”

²⁰ See *Biblia sacra cum Glossa ordinaria, Glossa interl. in Marc. 4:8* (Antwerp, 1634), vol. 5, cols. 521–22 (not in PL 114); see also Henry of Ghent, *Quodlibet VII*, q. 12, ed. Wilson, 74.26–29.

²¹ See Gregory of the Great, *Homiliae in Hiezechihalem* 2.5.12, CCL 142:285.338–42.

²² See Alardus Gazaeus, *Commentarius in Collationes Joannis Cassiani*, collatio 24, PL 49:1324–25, where Alardus traces the association of the numbers thirty, sixty, and one hundred with the states of marriage, widowhood, and virginity to a liturgical hymn for the feast of John the Baptist: “Porro huic expositioni apte respondet quod in hymno ecclesiastico de S. Joanne Baptista canitur, ubi tres coronae, et tres fructus evangelici tribus hominum generibus, sive gradibus, jam expositis aptantur his versibus:

Serta ter denis alios coronant
Aucta crementis.

Alios, nempe conjugatos, caste viventes. Nam prima corona, et primus fructus evangelicus, nempe trigesimus, est castitatis conjugalis. Sequitur eodem versu:

Duplicata quosdam:

Serta nempe duplicata, quosdam, scilicet viduos, et viduas continentes coronant: quia secunda corona, et secundus fructus, nempe sexagesimus, ex trigesimo duplicato, castitati viduali assignatus. Mox subjicitur:

Trina centeno cumulata fructu
Te, sacer, ornant.

Te, o Joannes Baptista, et virgo, tuique similes virgines, ornant: quia tertia et suprema corona, et fructus centesimus, castitati virginali retribuitur.”

makes a circle which symbolizes the crown of virginity.”²³ Based upon his analysis of this passage, Henry maintains that an adequate method of counting should meet the following conditions: there should be 1) a movement from the left to the right when reaching the number one hundred; 2) the formation of one hundred by using the same fingers that formed thirty and sixty; 3) the formation of one hundred by fingers from the hand other than the one that formed thirty and sixty; and 4) a circle of some kind, resulting from the formation of the number one hundred.

A second text setting the context of Henry’s discussion is a passage from Gregory’s *Homiliae in Hiezechielem*, which states that once the soul is engaged in the contemplation of eternal life, it moves to the right-hand side, just like what happens when counting.²⁴ Henry uses the authority of Gregory to argue that the first condition mentioned above entails that an adequate counting method must involve the movement from the right *hand* to the left *hand* in reaching one hundred and not just the movement from the right side of one finger to the left side of this same finger. This first condition can be more precisely formulated: there should be a movement from the left hand to the right hand when reaching the number one hundred. Since the method proposed by Berthaud only involves the use of one hand, it fails to satisfy this condition.²⁵

A third text that plays a role in this discussion is Bede’s gloss on Mark 4, “Nemo est qui relinquit domum aut fratres etc. qui non accipiat centum tantum.” According to this gloss, the position of the fingers on the right hand in forming the number one hundred should be the same position of the corresponding fingers on the left hand in forming the number ten.²⁶

²³ “. . . centesimus numerus (diligenter, quaeso, lector, attende) de sinistra transfertur ad dexteram, et iisdem quidem digitis, sed non eum manu, quibus in laeva nuptae significantur et viduae, circulum faciens, exprimit virginitatis coronam” (Jerome, *Adversus Iovinianum* 1.3, PL 23:213C–214A, alt. ed. 224A). See also Bede, *De temporum ratione* 1, ed. C. W. Jones, CCL 123B (Turnhout, 1977), 269; and Henry of Ghent, *Quodlibet VII*, q. 12, ed. Wilson, 80.71–74.

²⁴ Gregory the Great, *Homiliae in Hiezechielem* 2.5.12, CCL 142:285.342–51: “Sinistra enim nostra est uita praesens, dextera uero est uita uentura. Et recte per centenarium numerum aeternae uitae contemplatio designatur, quia cum post triginta ac sexaginta ad centesimum numerum computando peruenimus, idem centenarius numerus in dexteram transit. Fides atque operatio adhuc in sinistra est, quia hic adhuc positi et credimus quod non uidemus, et operamur ut uideamus. Cum uero iam se animus in contemplatione aeternae uitae suspenderit, quasi ad dexteram manum computus peruenit.” See also Henry of Ghent, *Quodlibet VII*, q. 12, ed. Wilson, 81.89–96.

²⁵ See Henry of Ghent, *Quodlibet VII*, q. 12, ed. Wilson, 80.68–81.98.

²⁶ *Biblia sacra cum Glossa ordinaria in Marc.* 10:30, vol. 5, col. 590F (not in PL 114): “eandem videtur tenere figuram in flexu digitorum in dextra, quam denarius in laeva.” See also Henry of Ghent, *Quodlibet VII*, q. 12, ed. Wilson, 83.36–51.

This is a fifth condition of an adequate counting method, one which Berthaud's method fails to meet.²⁷

A final condition of an adequate counting method, according to Henry, is that the formation of the number one hundred in making a circle entails that the end point is the same as the beginning point.²⁸ A perfect circle requires more than just returning to the same finger from which one began, as Berthaud maintained;²⁹ one must return to the exact same spot from which one began.

The transcription of Berthaud's *Quodlibet I*, q. 17, given above, allowed a juxtaposition of parts of Berthaud's text and sections of Henry's *Quodlibet VII*, q. 12. This juxtaposition illustrated that Berthaud, a fellow secular master, was Henry's unnamed opponent. In his *Quodlibet VII*, q. 12, Henry—using philosophical and theological texts that associated the numbers thirty, sixty, and one hundred with three states of life, and certain movements and positions of the hands with these states of life—defended his counting method against Berthaud's charges and demonstrated the inadequacy of the counting method proposed in Berthaud's *Quodlibet I*, q. 17.

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²⁷ Ibid., 83.42–45: "... quod etiam nullo modo potest teneri in ista tertia expositione, quia in ea pollex signat centum in summitate indicis, et decem in media iunctura medici."

²⁸ Ibid., 83.52–54.

²⁹ See Ibid.

AUCTORITAS AND POTESTAS:
A REEVALUATION OF THE CORRESPONDENCE OF GELASIUS I
ON PAPAL-IMPERIAL RELATIONS*

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Among the letters of Pope Gelasius I (492–96), the most important is the one he wrote in 494 to the emperor Anastasius, which states, “Two there are, august emperor, by which this world is chiefly ruled, the sacred authority [*auctoritas*] of the priesthood and the royal power [*potestas*].”¹ Modern historians traditionally have cited Gelasius’s correspondence as an early formulation of the proper roles of ecclesiastical and temporal powers—commonly referred to as the “two swords” doctrine. However, a philological examination of the two key words of this well-known passage, *auctoritas* and *potestas*, together with an evaluation of the whole of Gelasius’s correspondence within its immediate historical context, suggests that rather than advancing a prescriptive statement of political theory, Gelasius merely intended to offer a descriptive statement of the informal relations between the two powers as they then existed in actual practice.

The task of examining this letter falls into two basic divisions: to determine the meaning of the words themselves and to determine the purpose of the text as a whole. Let us take first the technical problems of the text’s language, since these logically precede any evaluation of the letter’s historical context.

The meanings of the two key words—*auctoritas* and *potestas*—appear ambiguous and have fueled much debate. Even when scholars assume that Gelasius intended to provide an explicit statement of what he considered the proper theoretical relationship between the two powers, uncertainties

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¹ Brian Tierney’s translation, *The Crisis of Church & State, 1050–1300* (Englewood Cliffs, N.J., 1964), 13. The Latin text may be found in the critical edition, Andreas Thiel, ed., *Epistolae Romanorum Pontificum Genuinae*, vol. I (Braunsberg, 1868), 350–51: “Duo quippe sunt, imperator auguste, quibus principaliter mundus hic regitur: auctoritas sacrata pontificum, et regalis potestas.”

remain. Does papal "authority" take precedence over imperial "power"? Is "authority" mere legitimacy without actual "power"? Is "power" the mere ability to use force without legitimate "authority"? Such questions traditionally emerge from discussions of this document.

The problem, though, is that scholars have often debated the meaning and purpose of this Gelasian language according to the usage of subsequent centuries. Throughout the Middle Ages, ecclesiastical and secular lawyers used this passage to support differing arguments concerning church-state relations. It is with that subsequent evolution of medieval political theory in mind that modern historians have tended unwittingly to read Gelasius's fifth-century language, producing meanings that derive from study of these later debates.² As Quentin Skinner has noted in regard to methodology, "The perpetual danger [in interpreting historical texts] . . . [is] that our expectations about what someone must be saying or doing will themselves determine that we understand the agent to be doing something which he would not—or even could not—himself have accepted as an account of what he *was* doing."³ Thus, we must recognize that what medieval jurists and political theorists had to say in subsequent centuries about Gelasius's correspondence cannot help us to determine what Gelasius himself actually had in mind. Dominick LaCapra has explained that all texts are "overlaid and even overburdened by interpretations to which we are consciously or unconsciously indebted. . . . We as interpreters are situated in a sedimented layering of readings that demand excavation."⁴ Later medieval interpretations of the Gelasian text may be worthy of study in their own right, but they must be excluded from any examination of the late fifth-century text itself.⁵

² The widespread acceptance of the interpretation of Gelasius's statement as an assertion of principles based upon what I wish to argue is a misunderstanding of the terms *auctoritas* and *potestas* is evident in standard text books of medieval history, such as Brian Tierney and Sidney Painter, *Western Europe in the Middle Ages, 300–1475*, 3d ed. (New York, 1978), 86–87, and H. G. Koenigsberger, *Medieval Europe, 400–1500* (London and New York, 1987), 56–57, as well as in topical surveys, such as Geoffrey Barraclough, *The Medieval Papacy* (New York, 1968), 28, and W. H. C. Frend, *The Rise of Christianity* (Philadelphia, 1984), 810–12. These all are excellent works by eminent scholars, yet on this particular point they reveal, it seems to me, a methodological problem common to many medieval histories.

³ Skinner addresses the manifold problems encountered in determining the relationships between a text and its context, and the implications for interpretation of the text, in "Meaning and Understanding in the History of Ideas," *History and Theory* 8 (1969): 3–53, quotation on 6. For further discussion of these issues, see also the recent collection of essays edited by James Tully, *Meaning and Context: Quentin Skinner and His Critics* (Princeton, N.J., 1988).

⁴ Dominick LaCapra, "Rethinking Intellectual History and Reading Texts," in *Modern European Intellectual History: Reappraisals and New Perspectives*, ed. Dominick LaCapra and Steven L. Kaplan (Ithaca, N.Y., 1982), 65.

⁵ Conversely, a different understanding of what Gelasius intended to say need not affect examinations of how lawyers and theorists interpreted the text in subsequent centuries.

The English terms of translation—"authority" and "power"—and their connotations raise another problem. The meanings of words seldom remain unchanged, and in translations it is essential for historians to allow for any possible evolution in the meaning of key original terms, as in this particular case. In high and late medieval literature the terms *auctoritas* and *potestas* may quite properly be rendered "authority" and "power." But even if these translations are valid for the fifth century, they tend nonetheless to take on the intellectual baggage of modern English political discourse as well as that of high medieval political thought. One thus can easily lose sight of what the terms meant in the fifth century.

Scholars cannot depend upon philological study alone to resolve the problem of what Gelasius intended.⁶ But this does not absolve us from such analysis, since it helps to free the historian from the dangers of anachronism, thus providing insight into what Gelasius was thinking at the time he wrote and distinguishing his views from the interpretations of, for instance, lawyers involved in the eleventh-century Investiture Conflict. At issue here is what the terms *auctoritas* and *potestas* meant to Gelasius at the time that he used them.

Some work already has been undertaken along these lines. In the early part of this century, A. J. Carlyle interpreted the letter as an attempt on Gelasius's part to set forth explicit principles of political theory. On this view, Gelasius was trying formally to establish the concept of dual spheres of jurisdiction, the secular and the priestly. But Carlyle defined the particular functions of the two domains according to their customary roles in society rather than according to theoretical distinctions.⁷ In the 1930s, Erich Caspar took a more specifically philological approach. Basing his argument on both pagan and Christian literary usage of the terms, he held that *potestas* referred to real absolute power (legitimate authority as well as the exercise of mere force) whereas *auctoritas* referred to "moral" authority, that is, the right to determine issues of ethics or even the ethical questions of political issues.⁸ In the 1950s, Walter Ullmann argued that *auctoritas* referred to legitimate sovereignty, an absolute, valid right to rule, whereas *potestas* referred to a simple delegated right to exercise force on behalf of whoever enjoyed the sovereignty. He based his understanding upon examination of earlier Roman law, with which both the pope and emperor would have been familiar. According to Ullmann's interpretation, Gelasius's letter was an argument

⁶ As Brian Tierney has maintained, *Crisis of Church & State*, 11.

⁷ R. W. and A. J. Carlyle, *A History of Mediaeval Political Theory in the West*, vol. 1 (New York, 1903), 184–93.

⁸ Erich Caspar, *Geschichte des Papsttums von den Anfängen bis zur Höhe der Welt-herrschaft*, 2 vols. (Tübingen, 1930–33), 2:64–73, 753–58.

for a single, monarchical seat of power to be held by the pope, with the emperor acting as his assistant, although certainly a very powerful one.⁹ In the meantime, Aloysius K. Ziegler had emphasized Gelasius's literary background as a secretary before he became pope and argued that there was no philological distinction between the terms; they were merely synonyms which Gelasius alternated for stylistic purposes.¹⁰ Of these various interpretations, though Ullmann's specific conclusion that Gelasius had claimed papal supremacy over imperial rule has not found common acceptance, the premise of his conclusion remains dominant among historians today, namely, that the passage was intended as a pronouncement of political theory.¹¹ I wish to suggest an alternative approach. By examining traditional Roman political usage of these terms, we may be able to reorient the debate.

The period of the late Roman Republic and early Empire is a useful point at which to begin. During this time, the terms *auctoritas* and *potestas* had very specific meanings that provide insight into Gelasius's writings. *Auctoritas*, *potestas*, and a third term—*imperium*—had distinct political meanings.¹² *Imperium* referred to legally legitimated, or statutory, political authority to employ coercive force, including power over life, in order to

⁹ Walter Ullmann, *The Growth of Papal Government in the Middle Ages*, 2d ed. (London, 1962), 20–22, and most recently, *Gelasius I (492–496): Das Papsttum an der Wende der Spätantike zum Mittelalter* (Stuttgart, 1981), 198–212.

¹⁰ Aloysius K. Ziegler, "Pope Gelasius I and His Teaching on the Relation of Church and State," *The Catholic Historical Review* 27 (1941–42): 431–32 n. 66. Ziegler points out, as does R. A. Markus (in *The Cambridge History of Medieval Political Thought*, c. 350–c. 1450, ed. J. H. Burns [Cambridge, 1988], 102), what may seem to be variances in Gelasius's usage of these terms, especially *potestas*. But whether Gelasius was truly inconsistent or, conversely, distinctly precise in his usage is a matter for further debate. Each case must be decided on its own merit, and I wish specifically to examine the often-cited juxtaposition of *auctoritas* and *potestas* in the letter of 494, not to present a comprehensive analysis of either Gelasius's political thought or his literary practices, both of which deserve far more space than is available here.

¹¹ Compare, for example, W. H. C. Frend (*Rise of Christianity*, 810–12), who asserts that Gelasius "stressed the utter inferiority of imperial to papal power" (810), and Ernst H. Kantorowicz (*The King's Two Bodies: A Study in Mediaeval Political Theology* [Princeton, 1957; rpt. 1981], 456), who described "the old Gelasian formula of mutual independence of pope and emperor." In both these instances, though leading to different conclusions, the assumption underlying the discussions is that Gelasius's pronouncement was one of political theory.

¹² See *Thesaurus Linguae Latinae* (Leipzig, 1900–), and the *Oxford Latin Dictionary*, ed. P. G. W. Glare (Oxford, 1982), s.v. For further discussion of these terms, see F. E. Adcock, *Roman Political Ideas and Practice* (Ann Arbor, 1959; rpt. 1975), esp. 5–7, 14, 39; Donald Earl, *The Moral and Political Tradition of Rome* (Ithaca, N.Y., 1967), esp. 33–34; J. Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la République* (Paris, 1963), esp. 309–11; R. Heinze, "Auctoritas," *Hermes: Zeitschrift für klassische Philologie* 60 (1925): 348–66; and A. H. M. Jones, "The Imperium of Augustus," *The Journal of Roman Studies* 41 (1951): 112–19.

regulate behavior. Roman officials who enjoyed *imperium*, such as consuls, held the supreme authoritative power to condemn to death.¹³ This power evolved from the sovereignty of the early Roman kings. In contrast, *potestas* referred to political authority to regulate behavior, but fell short of the absolute power over life. Roman officials whose positions carried *potestas* could imprison or assess fines but could not condemn to death.¹⁴ Both *imperium* and its civilian, administrative counterpart, *potestas*, entailed legal sanction, or authority, for their exercise.¹⁵ For our purposes here, we may consider these two terms as referring to essentially the same authoritative power (*potestas* being simply a slightly restricted version of *imperium*).

Auctoritas, on the other hand, did not refer to official power. Instead, someone with *auctoritas* enjoyed an eminent personal prestige that made him socially and therefore politically influential.¹⁶ Such influence might confer effective power but not officially bestowed, or statutory, authority. The meaning of *auctoritas* is, it seems to me, the principal source of confusion in the Gelasian text, and it therefore merits special attention. Etymologically derived from *auctor* ("originator"), *auctoritas* referred to the ability to shape circumstances. Individuals who for a variety of reasons—character, achievements, family or political connections—stood out as natural leaders of society were the ones in positions to shape the development of events. This sort of influence was the simple result of a person being regarded by his peers as someone worthy of respect; it was "the highest form of prestige."¹⁷ This

¹³ Cicero characterized magistrates with *imperium* as being subject to no one and having as their highest obligation the safety of the Roman people; *De legibus* 3.3.8, ed. C. F. W. Müller, *M. Tullii Ciceronis Scripta quae manserunt omnia*, fasc. 35, Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana (Leipzig, rpt. 1914), 434: "Regio imperio duo sunt, iique a praeuendo, iudicando, consulendo praetores, iudices, consules appellamino; militiae summum ius habento, nemini parento; ollis salus populi suprema lex esto."

¹⁴ Suetonius related the one instance when Tiberius chose to exercise his tribunicial power (*potestas*) while visiting Rhodes; *Tiberius* 11, ed. K. L. Roth, *C. Suetoni Tranquilli quae supersunt omnia*, Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana (Leipzig, 1858; rpt. 1886), 91: "Unum hoc modo neque praeterea quicquam notatum est, in quo exseruisse ius tribuniciae potestatis visus sit . . . citatumque pro tribunali voce praeconis convitiatorem rapi iussit in carcerem."

¹⁵ The political authority of *imperium* and *potestas* was increasingly restricted through the centuries, but always both were the results of lawful grants; for example, Cicero, *De re publica* 2.21, ed. K. Ziegler, *M. Tulli Ciceronis Scripta quae manserunt omnia*, fasc. 39, 7th ed., Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana (Leipzig, 1969), 63: "[Servius] populum de se ipse consuluit, iussusque regnare legem de imperio suo curiatam tulit."

¹⁶ For example, Livy described Zeno as an individual who was able to exert influence in public assembly because of his reputation with the other citizens; *Ab urbe condita* 35.31.14, ed. Mauritius Mueller, *Titi Livi Ab urbe condita libri*, part 3, 2d ed., Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana (Leipzig, rpt. 1923), 224: "Zeno, ex principibus unus, magnae cum ob eleanter actam vitam auctoritatis."

¹⁷ Earl, *Moral and Political Tradition*, 33.

was a quality aptly described by R. Heinze as “Ansehen,”¹⁸ a word which captures the importance of one’s apparent status in society. *Auctoritas* could be exerted by institutions as well as individuals. The Roman historian Sir Frank Adcock explains that the early Roman community sought guidance from the Senate which, because it consisted of those individuals who commanded respect, itself possessed a kind of corporate *auctoritas*. The state increasingly relied upon the Senate.¹⁹ This enhanced leadership role came about informally; it was not the result of

any *formal* change in the structure of the Roman constitution. . . . No new law conferred on [the Senate] the command that was *imperium* nor the powers and functions that added up to what the Romans called *potestas*. What happened, and happened without statutory expression, was a great increase of something the Senate already possessed.²⁰

Adcock adds,

Such was the *auctoritas* of the Senate, something that did not rest upon statute but on [its] cumulative influence.²¹

This sense of corporate *auctoritas* accurately describes the papacy in late antiquity. Individual popes as well as the corporate Church helped to direct the course of events in western society as the power of the imperial government waned. Papal influence did not have a legal or theoretical basis but was the natural result of the popes’ ability to command respect.

The terms “prestigious influence” for *auctoritas* and “authoritative political power” for *potestas* would thus be more precise translations than “authority” and “power.” It is clear how the meanings suggested here alter the understanding of just what Gelasius had in mind. The text thus reads, “Two there are, august emperor, by which this world is chiefly ruled, the sacred ‘prestigious influence’ of the priesthood and royal ‘authoritative power.’” Indeed, if we were to presume that Gelasius had intended to enunciate principles of political theory, we might have expected him to have used, if anything, the more comprehensive term *imperium*, rather than *auctoritas*, to contrast with *potestas*.

Auctoritas and *potestas* were not necessarily mutually exclusive. Augustus declared in the *Res Gestae* that he had enjoyed both *auctoritas* and *potestas*.²²

¹⁸ Heinze, “Auctoritas,” 354.

¹⁹ Adcock, *Roman Political Ideas*, 14.

²⁰ *Ibid.*, 38–39.

²¹ *Ibid.*, 47.

²² *Res Gestae Divi Augusti* 34.3, ed. Victor Ehrenberg and A. H. M. Jones, *Documents Illustrating the Reigns of Augustus & Tiberius*, 2d ed. (Oxford, 1955), 28: “Post id tem[pu]s auctoritate [omnibus praestiti, potes]tatis au[tem] n[on] ihilo ampliu[s] habu[i] quam cet[er]i.”

His supreme personal prestige, which allowed him to influence officials and senators, was just as important as the comprehensive statutory powers he enjoyed.²³ In a similar fashion, the terms *auctoritas* and *potestas* in the Gelasian text, each having individual meanings, functioned as much more than mere synonyms as Ziegler has asserted. *Auctoritas* involved a distinction somewhat along the lines of Caspar's rendering, that is, it was separate from strict, officially bestowed power, but much more than merely a "moral" force. It encompassed the personal ability to shape events because of one's social, economic, or even political influence. *Potestas* referred to political executive power as Ullmann has argued, but it was not merely power delegated from an entity with *auctoritas*; it held intrinsic legitimacy. Thus, as traditionally recognized, these terms implied the conceptual existence of two distinct forces in society, but the relationship between pontifical *auctoritas* and imperial *potestas* was not abstractly theoretical in its nature and certainly not hierarchic in its definition as others have argued.

An important issue, moreover, is whether these terms still retained their classical meanings in the late fifth century or had already evolved toward the meanings they came to bear in the high and late Middle Ages. Considering the general continuity of late antique society and culture,²⁴ and the fundamental disruptions of the ninth and tenth centuries, one presumes that in the late fifth century the terms remained closer to their classical meanings. And indeed that is what their usage in literature seems to confirm. The meanings of *potestas* and *imperium* changed little from the Roman period through the Middle Ages. Two well-known examples from late antiquity and the early Middle Ages are the claim of Leo I to *plenitudo potestatis* in the mid-fifth century²⁵—certainly more than an assertion of mere physical force and implying a sense of ecclesiastical sanction, or authority, as well—and Leo III's *translatio imperii* at the coronation of Charlemagne in the year 800.²⁶ The only apparent change in the usage of the two terms through the centuries was a simple blurring of the distinction

²³ Ronald Syme, *The Roman Revolution* (Oxford, 1939; rpt. 1985), 322.

²⁴ My view that emphasizes the continuity of late antique culture, despite the political chaos of the time, finds reinforcement in Robert A. Kaster's recent work, *Guardians of Language: The Grammarian and Society in Late Antiquity* (Berkeley, 1988), esp. 18, 22–23, 28–30, 222–23.

²⁵ Leo explained in a letter to an eastern metropolitan that Rome alone enjoyed the fullness of power; *Epistola* 14.1 (*Ad Anastasium Thessalonicensem episcopum*), PL 54:671B: "... ut in partem sis vocatus sollicitudinis, non in plenitudinem potestatis."

²⁶ *Annales Laureshamenses* 34, ed. G. H. Pertz, MGH SS 1 (Hannover, 1826), 38: "Et quia iam tunc cessabat a parte Graecorum nomen imperatoris, et femineum imperium apud se abebant, tunc visum est et ipso apostolico Leoni et universis sanctis patribus qui in ipso concilio aderant, seu reliquo christiano populo, ut ipsum Carolum regem Franchorum imperatorem nominare debuissent."

between them.²⁷ *Potestas* underwent an expansion of its meaning; it came to include the comprehensive or sovereign powers of *imperium*. *Imperium* still retained its former connotation of “authoritative exercise of power” but began to be reserved almost exclusively for the concrete representation of such power, namely, for “empire” as a political entity, a rendering that was also classical. These changes did not move the terms far from their earlier classical definitions, as is evident even as late as the fourteenth century in William of Ockham’s *De imperatorum et pontificum potestate*. Surely, therefore, Gelasius’s use of *potestas* in the intervening period also retained the classical sense of “authoritative power.”

Auctoritas, again, is the principal term in question. The literature of the late Roman Empire down to the time of Gelasius indicates no significant change of the term’s meaning. At the turn of the second century, instances of the traditional meaning occur in the writings of Suetonius,²⁸ Pliny the Younger,²⁹ and Tacitus,³⁰ when they refer to the personal influence of various Romans. Later in the century, Fronto used the term with the same definition,³¹ as did the jurist Ulpian in the third century,³² and the historian

²⁷ A demonstration of this phenomenon is the usage of both terms together; as, for example, in Leo III’s letter to Charlemagne (PL 98:518C): “imperialis potentia.”

²⁸ Suetonius explained that Tiberius temporarily retired from active politics in order to increase his prestige through the absence of his person, which he hoped would be duly noted by the people; *Tiberius* 10, ed. Roth, 90: “Tot prosperis confluentibus, integra aetate ac valitudine statuit repente secedere seque e medio quam longissime amovere . . . an ut vitato assiduitatis fastidio auctoritatem absentia tueretur atque etiam augetur, si quando indiguisset sui res p[ublica].”

²⁹ Pliny sought the influence of one friend to promote the candidacy of another; *Epistula* 6.8 (*Ad Fundanus*), ed. Mauritius Schuster, *C. Plini Caecili Secundi Epistularum libri novem*, 2d ed., Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana (Leipzig, 1952), 176: “Quibus ex causis exigo, ut venias et suffragio meo tuum iungas. permultum interest mea te ostentare, tecum circumire. ea est auctoritas tua, ut putem me efficacius tecum etiam meos amicos rogaturum.”

³⁰ Tacitus referred to the extent of the influence of two citizens; *Historiae* 3.65.1, ed. Erich Koestermann, *P. Cornelii Taciti Libri qui supersunt: Historiarum libri*, vol. 2, fasc. 1, Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana (Leipzig, 1961), 147: “namque Flavius Sabinus aetate prior privatis utriusque rebus auctoritate pecuniaque Vespasianum anteibat.”

³¹ M. Cornelius Fronto described the personal qualities, including the prestigious influence, of a friend from an earlier period in his own life; *Epistula* 3.3–4 (*Ad Antonium Pium*), ed. Michael P. J. van den Hout, *M. Cornelii Frontonis Epistulae*, 2d ed., Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana (Leipzig, 1988), 162: “vero ex tuis etiam iudiciis [the imperial patronage of Antonius] ei plurimum et honoris et auctoritatis accesserat. talis ego viri amicitiam adpetivi.”

³² Ulpian, on the personal reputations of arbitrators, in Justinian’s *Digest* 4.8.21.10, in P. Bonfante et al., eds., *Digesta Iustiniani Augusti*, 2 vols. (Milan, 1908–31), 1:140: “Quod puto ita verum esse, si et eius sit auctoritatis arbiter, ut in secessibus soleat agere, et litigatores facile eo loci venire possint.”

Ammianus Marcellinus at the end of the fourth.³³ Christian literature as well demonstrates a continuity of meaning. In the early fifth century, Augustine regularly used the terms *potestas* and *imperium* to describe what one today would translate as the political "authority" of the Church. He used the classical sense of *auctoritas* to indicate personal influence.³⁴ Jerome used *auctoritas* in a similar fashion. According to Jerome's interpretation of Galatians 1:18, Peter was someone whose reputation was so great in the first century that Paul desired to become acquainted with him during the early period of his own new life as a Christian.³⁵ Boethius, who wrote a generation later than Gelasius, described Lady Consolation as a figure of stature whose influence could be either positive or negative but always great.³⁶

Within Gelasius's own writings, his use of *auctoritas* reveals no clear distinction from the classical meaning. For example, he often employed the term in the expression *sedis apostolicae auctoritas*,³⁷ a phrase which connoted "authority" in the sense of having esteem sufficient to be influential. Out of this condition arose the application of the same term to the technical rights that the apostolic see came to enjoy in later centuries when the papacy's legal jurisdiction in judicial matters had been defined (as Leo I had also implied). It was a matter of natural development. But when Gelasius wrote in the late fifth century, such legal distinctions did not yet fully exist; the language itself referred simply to the prestige and, therefore, the influence of the developing papal institution. That papal *auctoritas* referred to the pope's ability to command respect is illustrated by Gelasius's use of a similar expression, *sedis apostolicae consultatio*.³⁸ One who is esteemed and influential is logically sought out for guidance. Likewise, the idea of papal prestige

³³ Ammianus Marcellinus showed that, even within the plebs, individuals stood out as influential; *Res Gestae* 28.4.28–30, ed. Wolfgang Seyfarth, *Ammiani Marcellini Rerum gestarum libri qui supersunt*, 2 vols., Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana (Leipzig, 1978), 2:84: "Nunc ad otiosam plebem ueniamus et desidem. . . inter quos hi, qui ad satietatem uixerunt potiores auctoritate longaeua . . . clamitant saepe. . ."

³⁴ Augustine, *De civitate dei* 4.1, ed. B. Dombart and A. Kalb, vol. 1, CCL 47 (Turnhout, 1955), 98: "uir doctissimus apud eos Varro et grauissimae auctoritatis." R. A. Markus discusses Augustine's usage of political terms, including *potestas* and *imperium*, in *Saeculum: History and Society in the Theology of St. Augustine* (Cambridge, 1970), esp. 75–76, 148–50, 197–203.

³⁵ Jerome, *Epistula* 112.8 (*Ad Augustinum*), ed. Jérôme Labourt, *Saint Jérôme, Lettres*, vol. 6 (Paris, 1958), 26: "Denique tantae Petrus auctoritatis fuit, ut Paulus in epistula sua scripserit: Deinde post annos tres ueni Hierosolimam uidere Petrum, et mansi apud illum diebus quindecim."

³⁶ Boethius, *Philosophiae consolatio* 1.1.13, ed. L. Bieler, CCL 94 (Turnhout, 1957), 3: "At ego cuius acies lacrimis mersa caligaret nec dinoscere possem quanam haec esset mulier tam imperiosae auctoritatis, obstupui"; 5.1.2, p. 88: "Tum ego: Recta quidem, inquam, exhortatio tuaque prorsus auctoritate dignissima."

³⁷ Thiel, *Epistolae*, 344, 356, 397, 416, 426, 427.

³⁸ *Ibid.*, 397.

underlying the juxtaposition of royal *potestas* and papal *auctoritas* finds reinforcement in Gelasius's parallel juxtaposition elsewhere of royal *potestas* and ecclesiastical *dignitas*.³⁹ One who exerts prestigious influence and whose advice is sought naturally enjoys distinctive merit. Conversely, Gelasius's occasional references to papal *potestas*,⁴⁰ which at first appear inconsistent with his use of *auctoritas*, seem quite sensible when we recall that western church officials often assumed civic roles as leaders in the daily affairs of secular society because of the decreasing presence of effective imperial administration during the fifth century. At times, church officials had even enjoyed civic support in the performance of their ecclesiastical duties.⁴¹ Gelasius wrote that church leaders should exert their influence (*auctoritas*) in order to see that within the civic sector there were carried out certain crucial administrative roles (*potestas*), for instance, caring for widows, orphans, and the destitute.⁴²

Certainly this survey of the literature of late antiquity is cursory, but the indications are clear. Gelasius depicted his world as one ruled by ecclesiastical "prestigious influence" and imperial "authoritative power." However, the extent to which Gelasius conceived theoretical distinctions regarding the political relations of the western church and the eastern state must be sought through a thorough analysis of the content of his writings. The terms *auctoritas* and *potestas* by themselves provide only, as we shall see, a description of the informal relations between the two powers, not a shorthand claim to theoretical principles. Even his use of the adverb *principaliter* ("chiefly," or "primarily")⁴³ suggests that he was speaking "for the most part" and was therefore not making absolute claims.

From this examination of Gelasius's language it is possible now to proceed to the second task, that of evaluating the passage in its political context. The document as a whole must be placed within its historical setting—as Skinner explains—not because context actually determines the meaning of the text, but simply because one gains insight into that meaning by recognizing the "ultimate framework" in which the text was written.⁴⁴ Again,

³⁹ Ibid., 406: "alia potestas est regni saecularis, alia ecclesiasticarum distributio dignitatum."

⁴⁰ Ibid., 568: "officia potestatis utriusque"; 486: "potestate proprii sacerdotis." Note 10 above refers to the possible variances in Gelasius's usage of terms.

⁴¹ One example of secular support of ecclesiastical functions is Valentinian III's edict of 445 in support of Leo I against the jurisdictional claims of Hilary of Arles.

⁴² Thiel, *Epistolae*, 381–82: "Praesulum nostrorum auctoritas emanavit, ut facultates Ecclesiae episcopi ad regendum habeant potestatem, ita tamen, ut viduarum, pupillorum atque pauperum nec non clericorum stipendia distribuere debeant."

⁴³ Charlton T. Lewis and Charles Short, *A Latin Dictionary* (Oxford, 1879; rpt. 1987); *Oxford Latin Dictionary*, s.v. See Gelasius's text in n. 1 above.

⁴⁴ Skinner, "Meaning," 40–43, 49.

diverse interpretations of the Gelasian letter appear. For example, in Ullmann's idealist view, political theories have an historical life of their own, the development of which is made manifest in events to which individuals may unwittingly contribute.⁴⁵ It is more important for Ullmann that Gelasius's text came to serve as a foundation for the "two swords" doctrine than whether Gelasius intended his letter to do so. The problem is that very often Ullmann ignores these distinctions entirely and substitutes results for intentions, thereby attributing to historical documents characteristics that they never truly possessed. Thus, Ullmann interpreted the Gelasian text to be an assertion of a theory of universal papal monarchy.

Geoffrey Barraclough's more pragmatic approach is to view the development of papal ideology as a series of specific discourses taken in specific contexts.⁴⁶ Thus, Barraclough interpreted Gelasius's letter as an enunciation of political theory given in response to the pope's perception of his increasing independence from effective imperial rule in the West. Nevertheless, Barraclough shared Ullmann's assumption that Gelasius was asserting an ideological principle. Medieval jurists made clear how effectively the Gelasian text could be adopted for such purposes. The modern historian must, however, beware of interpreting the fifth-century letter according to medieval perspectives that developed through the centuries after Gelasius wrote. Skinner speaks of the danger of converting remarks by a theorist into a "doctrine," especially when the author may have had no intention of making such a declaration. In this type of history of ideas, which traces the development of a doctrine, one encounters the "mythology of prolepsis," namely, the retrospective or teleological interpretation of a text according to what the text came to mean at later times. Thus, the historian unwittingly uses the vantage point of knowing a text's future in order to attribute meaning to that text.⁴⁷

By setting aside the evolution of political theory after the letter's composition in 494 and concentrating upon the political and religious context of the late fifth century, it is possible to understand the letter's purpose in terms different from that of an important statement of theory.⁴⁸ For example, Jeffrey Richards has argued that Gelasius was primarily concerned with

⁴⁵ Ullmann, *Growth of Papal Government*, esp. 14–28.

⁴⁶ Barraclough, *Medieval Papacy*, esp. 9–10, 28–29.

⁴⁷ Skinner, "Meaning," 7–10, 22–24.

⁴⁸ LaCapra cautions, as does Skinner, that care be taken when one uses context to interpret a text. Besides not expecting an answer to all questions about the text, we must recognize that it can be deceptive even to define "the context." Nevertheless, LaCapra goes on to explain that the historian cannot shirk the attempt to arrive at an interpretation despite the pitfalls ("Rethinking," 57, 65–66).

practical problems of administration and theological heresies.⁴⁹ Such a view specifically minimizes the doctrinal importance of his letter to Anastasius and implies that Gelasius wished to address an immediate problem rather than to advance long-term political claims. Along these lines, I wish to argue that Gelasius did not intend his letter to be an important theoretical pronouncement.

Let us keep in mind the political meanings of *auctoritas* and *potestas*, that is, "prestigious influence" and "authoritative executive power." These terms best make sense as descriptions of the relationship between the pope, who was indeed emerging as a *de facto* leader in the West, and the emperor, who held *de jure* authority over the entire empire but who clearly did not have much real power to act in the West. Consideration of the details of the social and political situation throughout the empire in the late fifth century supports the view that the key clauses of Gelasius's letter constituted a descriptive statement.

The gap between East and West was widening.⁵⁰ Earlier in the fifth century, western provincial bishops had begun to seek advice from the Roman bishop, thereby creating the sense of an ecclesiastical community distinctly western in nature. Valentinian III's edict of 445 in support of Leo I against Hilary of Arles's jurisdictional claims for a Gallic Church reinforced this tendency toward western unity. The sack of Rome in 410 by Alaric and the Vandals was only the beginning of the Germanic invasions, settlements, and eventual domination of the Italian peninsula and western regions during the fifth century, all of which served to undermine imperial rule and effectively to sever the West from the East. After Odoacar's deposition of Romulus Augustulus in 476, no official western emperor any longer existed. The eastern emperor's control of the West had diminished to the point that in 489 Zeno diverted Theodoric and the Ostrogoths to Italy, partly in order to reestablish imperial rule there. By 494, when Gelasius wrote his letter to Anastasius, Theodoric had succeeded in ousting Odoacar, but the Ostrogoths' relations with the new eastern emperor were strained, and in many ways Theodoric began to act as an independent ruler. As closely as he was able, he cooperated with the native Italians and especially with church officials in order to maintain civic order. Likewise, the Frankish king Clovis established a northern area of independent rule in the last decades of the

⁴⁹ Jeffrey Richards, *The Popes and the Papacy in the Early Middle Ages, 476–752* (London, 1979), 19–25.

⁵⁰ The standard work on the West during this period is J. B. Bury, *History of the Later Roman Empire From the Death of Theodosius I to the Death of Justinian*, 2 vols. (London, 1923; rpt. New York, 1958), 1:362–65, 389–469.

fifth century, which Anastasius recognized by granting him the honorary title of *consul*.

Throughout the West, the higher levels of imperial administration had collapsed during the course of the fifth century. By the time that Gelasius became pope in 492, it was ecclesiastical officials and institutions that had survived and that were largely responsible for the orderly conduct of secular society, in particular in the extensive areas not under the direct, personal control of a Germanic ruler. In these circumstances, the letter can be viewed as an implied call by Gelasius for cooperation on the part of the emperor. If Anastasius truly desired the practical use of his political authority in the western half of the empire (which, after all, is a principal reason why Theodoric had been sent west), he would have to acknowledge the influence of the pope. In effect Gelasius demonstrated the papacy's increasing independence in the face of imperial claims of jurisdiction, the enforcement of which was growing ever weaker, although Justinian's reconquests in the sixth century certainly proved the fragility of the papacy's influence.

Much more important, Gelasius's overriding and clearly stated concern in the 494 letter to Anastasius, as well as in very much of his other correspondence, was heresy. In particular, monophysitism, which asserted the single, divine nature of Christ, had led to theological and ultimately political divisions among eastern Christians and to a schism between Rome and Constantinople. Pope Felix III (483–92), Gelasius's predecessor, had even resorted to excommunicating Acacius, the patriarch of Constantinople.⁵¹ This situation had arisen from Acacius's assistance to emperor Zeno (474–91) in drawing up the imperial edict *Henotikon*. Issued in 482, it was intended as a compromise solution to the doctrinal conflicts between the orthodox and monophysite factions. It had great political ramifications for the emperor in addition to its theological aims, but, for the popes, the major effect was that the edict in essence repudiated the decrees of the 451 Council of Chalcedon, which had condemned the monophysite position. That council's decision had been based chiefly upon Pope Leo I's *Tome* (451). *Henotikon* seemed to the popes to be an important intrusion by both the emperor and the eastern bishop into the establishment of Christian doctrine. This had occurred in wake of the recent decision by a later Council of Chalcedon that the bishop of Constantinople enjoy the same primacy in the East as the pope in the West. In the words of Geoffrey Barraclough, "Effectively it placed Rome and Constantinople on a level of parity; and this the pope

⁵¹ Two standard works on the political and religious situation during the late fifth century in the East are A. A. Vasiliev, *History of the Byzantine Empire, 324–1453* (Madison, 1952), 109–16, and George Ostrogorsky, *History of the Byzantine State*, rev. ed., trans. Joan Hussey (New Brunswick, N.J., 1969), 64–68.

could not accept. *But he could not do anything about it either* (italics mine).⁵² The papal office did not enjoy what we today would call “authority” to control the situation; rather, Gelasius in 494 sought to exercise his “influence” to whatever degree he was capable.

It is within these circumstances that one must interpret Gelasius’s writings. By far most of his works dealt specifically with matters related to eastern heresies.⁵³ Accordingly, one should interpret his correspondence in terms of these explicit religious concerns rather than seek to uncover veiled theoretical prescriptions. For example, two passages are commonly cited to support the traditional interpretation of the juxtaposition of *auctoritas* and *potestas* as a declaration of political theory. First of all, the letter of 494 proceeded to explain that sacred *auctoritas* is more “weighty” than imperial *potestas* because priests supposedly were responsible for the salvation of kings.⁵⁴ Second, in the tract *De anathematis vinculo* (ca. 494) Gelasius asserted that secular rulers should yield to ecclesiastical rulers in matters of divine nature.⁵⁵ The traditional view, however, ignores the essential point of these works, namely, that Gelasius was attempting to correct theological errors that had arisen within the Christian community in the late fifth century, rather than subtly attempting to advance any sort of principle of theory. The letter of 494 and *De vinculo* clearly focus on the Acacian schism. In both instances, the relationship between priests and kings is best understood in their religious terms, especially because Anastasius’s own monophysitic sympathies further complicated relations with the pope. Gelasius wished to unite, rather than to delimit, the two powers; he wished to persuade the emperor to join him in combating heresy, rather than to enunciate a doctrine of political theory. Above all, Gelasius wanted to assert all his influence (*auctoritas*)—spiritual and political—upon the emperor in order to end what he considered an extremely dangerous threat to Christianity. The literary context of our passage demonstrates Gelasius’s seriousness and his intention “to set Anastasius straight.” But his clear concern was with an immediate, specific situation, rather than with abstract principles of political theory.

In brief, the important passage of Gelasius’s letter of 494 best stands as a descriptive statement of the informal relations between the two powers

⁵² Barraclough, *Medieval Papacy*, 27.

⁵³ Gelasius’s letters and treatises are contained in Thiel, *Epistolae*, 287–607.

⁵⁴ Ibid., 351: “In quibus tanto gravius est pondus sacerdotum, quanto etiam pro ipsis regibus hominum in divino reddituri sunt examine rationem.”

⁵⁵ Ibid., 568: “[Christus] actionibus propriis dignitatibusque distinctis officia potestatis utriusque discrevit . . . ac vicissim non ille rebus divinis praesidere videretur, qui esset negotiis saecularibus implicatus . . . ne extolleretur utroque suffultus.”

—ecclesiastical and imperial—as they then existed in actual practice, rather than as a prescriptive declaration of how they should have related to one another in theory. The Gelasian correspondence demonstrates the importance of avoiding the “mythology of prolepsis”—that is, the attribution of a retrospective significance to a text. The effort to determine what the key words of this well-known passage—*auctoritas* and *potestas*—meant in their own time and to examine the letter in terms of its historical context results ultimately in a better understanding of Gelasius’s intentions.

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MANFRED OF SICILY AND URBAN IV: NEGOTIATIONS OF 1262

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In 1262 Manfred, the natural son of Emperor Frederick II, was firmly in control of the kingdom of Sicily and southern Italy,¹ but his possession was unrecognized by the papacy, which had deposed his father. The notary Alberto, envoy of Pope Urban IV, had already submitted proposals to Charles of Anjou, the French king's brother, whereby the church would enfeoff Charles with the Sicilian *Regno*, when, in the summer of 1262, the papacy also opened talks with representatives of Manfred. This step was taken by the pope at the urging of James I of Aragon, the newly unseated Baldwin II of Constantinople, and Louis IX himself, Count Charles's brother. I would like to reexamine the sequence of events which culminated in these negotiations with Manfred, the role played by James, Baldwin, and Louis, the reasons why the negotiations failed, and the implications of this failure.

Once the talks had broken down Manfred and Urban accused one another of bad faith. The controversy has found echoes in the debates of modern scholars. The handsome and doomed Manfred has appeared to many a noble victim of papal machinations, while Édouard Jordan, stung by Karl Hampe's unheroic portraits of Jordan's compatriots Urban and Louis, denounced Manfred as "an imposter and an unscrupulous adventurer."² Jordan's account of the negotiations between Urban and Manfred is still the most complete we have, but while often perspicacious it is vitiated by what I may call Guelf partisanship, and by an incorrect sequencing of events. Jordan could not profit by Hampe's publication of new documents,³ or by Davidsohn's redating of the crucial letter of Baldo of Siena.⁴

¹ Contemporaries designated the entire kingdom, mainland and island, as the kingdom of Sicily, or simply as the *Regno*; the inhabitants were known as *regnicoli*. In this study the medieval usage will be followed.

² É. Jordan, *Les origines de la domination angevine en Italie* (Paris, 1909; rpt. in 2 vols., New York, 1960), 2:618.

³ Karl Hampe, *Urban IV und Manfred (1261–1264)*, Heidelberger Abhandlungen zur mittleren und neueren Geschichte 11 (Heidelberg, 1905). Jordan, *Les origines* 2:617–18, comments briefly on Hampe's work, which he was unable to read before the body of his book had gone to press.

⁴ Robert Davidsohn, "Beiträge zur Geschichte Manfreds," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 17 (1914–24): 78–107.

In this article I will support the position embraced by most German and Italian scholars that Manfred earnestly desired reconciliation while Urban did not.⁵ I hope to put the pieces of this rather intricate puzzle together in proper sequencing, something which neither Jordan nor Hampe had all the necessary material to do, and which later contributors have not attempted. One major bar to a correct understanding of the negotiations of 1262 has been the lack of evidence about the specific terms discussed. I will clarify what was at stake by examining earlier offers of Manfred, the papacy's charges against him, and Urban's proposals to Charles. The role of Louis has been extensively studied;⁶ I hope to shed more light on the roles of Manfred's allies, James and particularly Baldwin. My interpretation of events lays weight on a new analysis of the passage in the chronicle of Saba Malaspina which treats the negotiations.

After negotiations with Manfred failed, Urban's agents reached agreement with Charles of Anjou. Under Urban's successor, Clement IV, Charles's troops defeated and killed Manfred at Benevento in 1266. Not since the first crusade had forces put in motion by the papacy gained such a decisive victory. Because the results were momentous Urban's tactics merit careful study. If Urban, through negotiations rather than battle, could have secured the border of the Papal State and converted Sicily into an ally rather than an enemy, then his choice of the ambitious foreigner Charles and of war over peace proved a costly alternative. The church went deeply into debt to finance the crusade against Manfred. Moreover, within a generation of Benevento the *regnicoli* were lamenting the deterioration of their once blooming realm under French rule.⁷ Increased dependency of the papacy on French power

⁵ The two best general studies of Manfred, both of which recognize his sincere desire for peace, although they contribute little new to the question of the negotiations of 1262, are Friedrich Schirrmacher, *Die letzten Hohenstaufen* (Göttingen, 1871), and Raffaello Morghen, *L'età degli Svevi in Italia*, 2d ed. (Palermo, 1974). Pier Fausto Palumbo, *Contributi alla storia dell'età di Manfredi* (Rome, 1959) is one of the best works from Italy on Manfred. Manfred has received little treatment in English, with the exception of Steven Runciman, *The Sicilian Vespers: A History of the Mediterranean World in the Later Thirteenth Century* (Cambridge, 1958).

⁶ Hampe, *Urban IV*; and Jordan, *Les origines*.

⁷ Saba Malaspina, whose history was completed in 1285, pictures the *regnicoli* lamenting Manfred, whose reign they realize was mild in comparison with the rapacity of the French (Saba Malaspina, *Rerum Sicularum Historia* 3.16, ed. Giuseppe Del Re, *Cronisti e scrittori sincroni napoletani editi e inediti*, vol. 2 [Naples, 1868; rpt. Darmstadt, 1975], 260–61). I cite Saba by Del Re's edition rather than, as is still usual, by the text in Ludovico Muratori, ed., *Rerum Italicarum Scriptores*, vol. 8 (Milan, 1726 [hereafter cited as RIS]), 781–874. The first edition of RIS uses a manuscript that breaks off in the year 1276, whereas Del Re gives the complete *Historia* to 1285. The second edition of RIS omits Saba altogether.

damaged the popes' prestige. By the fourteenth century they were residing in Avignon, and in Dante's verses Manfred's spirit denounced papal intransigence to posterity (*Purgatorio* 3.103–45).

Manfred in his early career showed a strong inclination to come to terms with the papacy. At the age of eighteen Manfred, on his father's death in December of 1250, was named regent for the *Regno* pending the arrival of his older legitimate brother Conrad from Germany. By 24 July 1251, Manfred was negotiating his submission to Innocent IV, as we know from Innocent's letter of that date to his legate for the *Regno*, Pietro Capoccio, cardinal of San Giorgio in Velabro, written in response to inquiries Pietro had received from Manfred. Innocent instructed Pietro to confirm Manfred as prince of Taranto (the holding granted Manfred by his father), on condition that Manfred released prisoners, handed over the rest of the *Regno* to the church, and did homage to the papacy as overlord.⁸ No agreement was reached, but the incident shows Manfred's interest in negotiation.

Conrad, on his arrival in the *Regno*, was able to bring his restive subjects under control. He died, however, in 1254, leaving as his heir an infant son, Conradin, who was in Germany with his Bavarian mother. Under these circumstances Manfred again contacted the pope, and on 27 September 1254, Innocent confirmed Manfred as prince of Taranto and named him vicar for life of the papacy for all the mainland portion of the *Regno* excepting Campania and the Abruzzi.⁹ The pope, moreover, promised to protect the rights of Manfred's nephew Conradin in the *Regno*.¹⁰ Manfred's preference for living in peace in the eastern part of the realm, where his hunting castles were located, is already clearly evident.

Manfred's settlement with Innocent IV lasted less than a month, as a result of the infringement of the prince's rights by the pope¹¹ and the

⁸ Carl Rodenberg, ed., MGH *Epistolae Saeculi XIII e Regestis Pontificum Romanorum*, vol. 3 (Berlin, 1894), 99–100, no. 119. The letter is summarized in Élie Berger, ed., *Les Registres d'Innocent IV*, 4 vols. (Paris, 1884–1921), 3:70, no. 5783. The latter work is cited hereafter as *Reg. Inn.* Rodenberg, *Innocenz IV und das Königreich Sicilien, 1245–1254* (Halle, 1892), 106–8, suggests that in 1251 Manfred betrayed his brother and asked Innocent for the crown. Jordan, *Les origines* 1:54–55, follows Rodenberg's conjecture, as does August Karst, *Geschichte Manfreds vom Tode Friedrichs II bis zu seiner Krönung (1250–1258)*, Historische Studien 6 (Berlin, 1897; rpt. Vaduz, 1965), 5 and 164–70; Innocent's letter, however, does not support such a conjecture, and it appears to me unlikely.

⁹ Rodenberg, *Epistolae*, 287–90, nos. 318–19; noted in *Reg. Inn.* 3:508–9, nos. 8023–24.

¹⁰ Rodenberg, *Epistolae*, 290, no. 320; *Reg. Inn.*, vol. 1, XLIV–XLV, noted in *Reg. Inn.* 3:509, no. 8025.

¹¹ Rodenberg, *Innocenz IV*, 197, considers that the evidence shows Innocent willfully broke his agreements with Manfred.

murder of Borello d'Anglone by one of Manfred's retainers. Manfred was victorious over the papal army shortly before Innocent's death in Naples (7 December 1254). Although Manfred sent envoys to the newly elected pope, Alexander IV,¹² they came to no agreement, and on *cena domini*, the Thursday before Easter, on which day it was traditional for a pope to announce the excommunication of all those who had failed to yield their submission to the Holy See, Alexander formally severed Manfred from the church.¹³ Shortly thereafter, on 9 April 1255, the pope conceded the *Regno* to Edmund of England,¹⁴ following up negotiations begun by Innocent in Conrad's time.

Innocent, who had been adamant against Frederick II, showed some awareness that Manfred, without his father's ties to Germany or northern Italy, might have served the papacy's purpose of asserting its authority in the *Regno* and severing it from the north. Alexander, however, showed no desire to come to terms with Manfred. His investiture of Edmund with the *Regno* brought no results, and Manfred grew more powerful during his papacy.

Despite Alexander's involvement with England Manfred and others continued to try to find a basis for reconciliation between them. Following Manfred's second victory over the army of the church in 1255 he made an offer which was provisionally accepted by Ottaviano degli Ubaldini, cardinal of Sta. Maria in Via Lata and Alexander's legate for the *Regno*. Manfred, whose demands had grown since his successes, now asked to rule, in Conradin's behalf, all the *Regno* except the Terra di Lavoro (Campania), which he would concede to the church, whose forces still occupied the area.¹⁵ Alexander rejected the terms, but "a certain cardinal," perhaps Ottaviano

¹² Nicholas of Jamsilla, *Historia de rebus gestis Friderici II imperatoris ejusque filiorum Conradi et Manfredi*, RIS (first edition only) 8:544. Nicholas has very detailed information on Manfred for the years 1254–56. His history ends in 1258. It is also published by Del Re, *Cronisti* 2:101–200.

¹³ The complete text of Alexander's condemnation of Manfred is published in Eduard Winkelmann, ed., *Acta imperii inedita saeculi XIII et XIV*, 2 vols. (Innsbruck, 1880–85; rpt. Darmstadt, 1964), 2:726–29, no. 1044.

¹⁴ Bartholomeus Capasso, ed., *Historia diplomatica Regni Siciliae inde ab anno 1250 ad annum 1266* (Naples, 1874), 102–4, no. 210; and Thomas Rymer, ed., *Foedera, conventiones, literae, et cujuscunque generis acta publica*, 3d ed., 10 vols. (The Hague, 1739–45), vol. 1, part 2, pp. 126–28. Capasso's collection gives the most complete documentary record of Manfred's reign, quoting many documents in full. Full coverage of the English side of the negotiations over Sicily is given in F. M. Powicke, *King Henry III and the Lord Edward: The Community of the Realm in the Thirteenth Century*, 2 vols. (Oxford, 1947), 1:343–409.

¹⁵ This offer is known from Nicholas of Jamsilla, *Historia*, cols. 576–77, and confirmed by a pronouncement of Alexander (Capasso, *Historia*, 168, no. 310).

again, proposed that Edmund of England marry Manfred's daughter Constance, and the prince of Taranto would then put him on the throne of Sicily.¹⁶ Edmund's father Henry III showed interest,¹⁷ but not Alexander.

Manfred regained control of Naples and the Campania, and in 1258 was crowned king in contravention of Conradin's rights. As a result he was again excommunicated by Alexander the following *cena domini*.¹⁸ The four years following his coronation constituted Manfred's most successful period. His youthful energies were not exclusively devoted to politics, for he was a poet and a scholar, and he once wrote a friend that he spent his time mixing the serious with the sweet.¹⁹ In a letter which accompanied a gift of manuscripts Manfred told the Paris scholars of his love of study,²⁰ and a visitor to Apulia from Egypt reported that Manfred knew the ten books of Euclid by heart.²¹ Despite the papacy's propaganda censuring Manfred's ties to his Saracen guards he seems to have been perfectly Catholic in his beliefs, and his letters reveal a partiality to the cult of St. Nicholas of Bari, "whose patronage we invoke in times of trouble, and whom we choose as our special intercessor with the King of Kings, through whom we live and reign."²²

In his salad days Manfred extended his holdings and affiliations in two directions, the Mediterranean and central and northern Italy. He acquired territory in the Marche, the eastern seaboard of the Papal State, and sought friends further north, but at first in a nonpartisan spirit. He cooperated with the joint effort of the Ghibelline Pallavicini and the Guelf Azzo d'Este to bring down Ezzolino da Romano, and Azzo in June of 1259 swore to help reconcile Manfred with the pope.²³ This is an indication of Manfred's

¹⁶ This information comes from the letter of the notary Rostand, a papal envoy, to Henry III, dated 24 June 1257. It is published by Ch.-V. Langlois, "Notices et documents relatifs à l'histoire du XIII^e et du XIV^e siècle," *Revue Historique* 87 (1905): 55-79 at 62-63.

¹⁷ Capasso, *Historia*, 129-30, no. 263; and Rymer, *Foedera*, vol. 1, part 2, pp. 29-30. The date is 28 June 1257.

¹⁸ Capasso, *Historia*, 167-74, no. 310.

¹⁹ The letter is given in full by Schirrmacher, *Hohenstaufen*, 630, and noted in J. F. Böhmer and J. Ficker, eds., *Regesta Imperii* 5.1 (Innsbruck, 1881-82), 876, no. 4751. The latter work is hereafter cited as *Regesta*.

²⁰ Given in full by Schirrmacher, *Hohenstaufen*, 624, and noted in *Regesta* 5.1, 876, no. 4750.

²¹ The picture of Manfred's court at Barletta in 1260 given by Djémal-ed-Din is quoted in full by E. Blochet, "Les relations diplomatiques des Hohenstaufen avec les sultans d'Égypte," *Revue Historique* 80 (1902): 51-64 at 64.

²² "Cujus patrocinium in nostris procellibus [*sic*] invocamus, et quem nostrum intercessorem elegimus specialem apud Regem Regum, per quem vivimus et regnamus" (Capasso, *Historia*, 250, no. 405).

²³ Schirrmacher, *Hohenstaufen*, 610-19, no. 17.

continuing interest in reaching agreement, but Alexander ordered Pallavicini to break with him.²⁴ The Sicilian king offered alliance to Guelf Florence as well as Ghibelline Siena, but Florence did not respond, and in 1260 Manfred's troops aided the Sienese in their resounding victory over the Florentines at Montaperti.²⁵ He had become the leader of the Ghibelline cause, but only through Alexander's intransigence.²⁶

Manfred's real ambition centered on the Mediterranean, and this orientation did not threaten the papacy.²⁷ His earliest allies were the Venetians and the Genoese,²⁸ and his fleet appeared in the Aegean already in 1258.²⁹ Through his own second marriage to Helena, daughter of the Despot Michael, in 1259, Manfred confirmed his ties to Greek Epirus,³⁰ and he engaged his daughter Constance to Peter, heir to the Aragonese throne. The marriage arrangement was made in 1260³¹ and Manfred began collecting a large dowry, to consist of gold, silver, and jewels, the total worth 50,000 ounces in gold.³² The wedding, as we shall see, was delayed until 1262. Another member of the Mediterranean alliance Manfred shaped was Baldwin II, Latin emperor of Constantinople.³³ On 25 July 1261, Constantinople fell to the forces of Michael Palaeologus, and it was with Manfred that Baldwin initially took refuge in the West.

Alexander IV had died on 25 May 1261; on 29 August Jacques Pantaléon, the son of a French shoemaker, was elected pope and took the name of Urban IV. Although the Italian Alexander—nephew of Gregory IX, the pope who had first set a course of opposition against Frederick—had rejected every opportunity to come to terms with Manfred, the new French pope, a former patriarch of Jerusalem without ties to the northern Guelfs, might be expected to be more amenable. Manfred soon began making offers to Urban, proffering crusading help on the one hand and money on the other.

²⁴ Rodenberg, *Epistolae*, 464-65, no. 503.

²⁵ For Manfred's relations with Siena and Florence, see Capasso, *Historia*, 186-88, 192, nos. 323, 326, 330.

²⁶ Jordan, *Les origines*, presents the argument that Manfred's Ghibellinism was forced upon him by circumstances; see in particular I:195 and 262.

²⁷ On Manfred's Mediterranean policy, see Beverly Berg, "Manfred of Sicily and the Greek East," *Byzantina* 14 (1988): 263-89.

²⁸ Capasso, *Historia*, 130-39, nos. 265-68, in the year 1257.

²⁹ Berg, "Manfred and the Greek East," 263-66.

³⁰ *Ibid.*, 279-84.

³¹ The agreement is published in Daniel Girona, "Mullerament del Infant En Pere de Catalunya ab Madona Constança de Sicilia," *Congrés d'Historia de la Corona d'Aragó dedicat al Rey En Jaume I y a la seue época*, 2 vols. (Barcelona, 1909), I:232-99, no. 1, at 264.

³² *Ibid.*

³³ In "Manfred and the Greek East," 285-86, I suggest that Baldwin was in alliance with Manfred as early as 1259.

It was at the urging of Baldwin, who arrived in Apulia for an extended visit with Manfred in the autumn of 1261, that Manfred made peace initiatives toward Urban.³⁴ According to the Venetian chronicler Canale, Manfred received Baldwin well, "and put on amusements and pageants for him, and equipped him with everything befitting an emperor," including silken fabrics.³⁵ As Canale reports it, "Lord Emperor," said King Manfred, 'you are going to Monsignor the pope, as you say. I'm not in his good graces, and well I know it. I want you, if you please, to tell him for me that if he wishes to grant me absolution and peace, or at least a truce, I will go to Romania with you at my expense and put you on the throne of Constantinople. And when I return to Apulia—if he is willing to grant me Apulia—I will cross the sea with all my forces and do all I can until I take Jerusalem, which the infidels hold hostage, and I will give it to Holy Christendom.'" ³⁶

While Baldwin was still with him Manfred sent envoys to Urban. We can assume they offered crusading help at this time.³⁷ We know they offered cash, as Roger Lovel, envoy of Henry III of England to Urban, writes from Viterbo to his sovereign,

Your Royal Highness should know that Lord Manfred, who occupies the kingdom of Sicily, sent official envoys to the curia on the Thursday before

³⁴ Baldwin mentions in a letter of 1263 to Manfred that he had urged the king to make peace with the pope; see E. Martène and U. Durand, eds., *Thesaurus Novus Anecdotorum*, 5 vols. (Paris, 1717; rpt. New York, 1968), 2:23–26, no. 11, at cols. 24–25. Martino da Canale says, "The emperor of Constantinople stayed with King Manfred as long as he pleased," suggesting a lengthy visit ("Quant demora Monsignor li Enpereor de Coustantinople avec li Rois Manfrois, com a lui plot," *La Cronique des Veneciens de maistre Martin da Canal*, ed. F. L. Polidori and G. Galvani, Archivio storico italiano [ser. I] 8 [Florence, 1845], 229–766, at chap. 191, p. 500). Baldwin's peregrinations are reconstructed by Capasso, *Historia*, 233–34 n. 2. In October 1261 Baldwin was still in Latin Greece; in spring of 1262 he arrived in Venice and then visited Urban IV in Viterbo. He passed the winter of 1261–62 with Manfred. The emperor's visit to Apulia is also mentioned by Marino Sanudo Torsello in a fragment published by Robert Lee Wolff, "Hopf's So-Called 'Fragmentum' of Marino Sanudo Torsello," in *The Joshua Starr Memorial Volume* (New York, 1953), 149–59 at 152. The article is also included in Wolff's *Studies in the Latin Empire of Constantinople* (London, 1976).

³⁵ "Et li fist ioie et feste, et le aaisa de totes iceles choses que appartient a avoir Enpereor" (Canale, *Cronique*, chap. 189, p. 498).

³⁶ "Sire Enperere (fait li Rois Manfrois), vos ales a Monsignor l'Apostolle ensi com vos dites. Il n'est bien de moi: de voir le sai. Je veul, se il vos plect, que vos li dites de par moi, que se il me veut doner sa grace et pes, ou au mains trive, ie passerai en Romanie avec vos a ma despanse, et vos metrai en sasine de Coustantinople; et au retourner que ie ferai en Puille, se il me vodra doner Puille, m'en irai dela la mer a tot mon esfors; et ferai tant a mon pooir, que ie prendrai Ierusalem, que paiens ont en sasine, et le rendrai a la sainte crestientes" (Canale, *Cronique*, chap. 190, p. 500).

³⁷ In a later letter to Urban, Manfred mentions he had offered crusading help. See Martène, *Thesaurus* 2:92, no. 62.

the Conversion of Saint Paul [20 January 1262]. He had given them authority and special mandate to agree and negotiate and ask for a settlement of his position. They offered 300,000 ounces of gold to the pope and the cardinals, of which sum 30,000 ounces would be paid immediately to them, and the rest of the gold, as he humbly promised, would be put on deposit in the name of the lord pope and the cardinals for when he was crowned king of Apulia. And they humbly promised to the lord pope and the cardinals that after the coronation he would pay 10,000 ounces of gold annually. They were heard out; the petition was denied; they were given permission to go home.³⁸

Most probably the 30,000 which was to be paid immediately was in fact the money gathered for Constance's dowry, but not yet delivered to Aragon.³⁹ As for the promised 300,000, Urban would have every reason to doubt that the *Regno* could produce so large a sum. It is to these offers from Manfred—to win back Constantinople and the Holy Land, and to pay 300,000 ounces of gold—that Urban must refer when he writes James of Aragon, "Indeed, after we were called to the office of the Apostolate, he sent several envoys to us, and we with our accustomed benignity decided to receive them. We heard, however, from them nothing but delusive offers, not worth telling."⁴⁰ Manfred had promised more than Urban thought he

³⁸ "Cognoscat insuper regia celsitudo quod dominus Manfredus regni Siciliae occupator solemnes nuntios die Jovis ante Conversionem B. Pauli ad curiam destinavit, quibus componendi, transigendi, et status sui reformationem impetrandi potestatem et speciale mandatum concessit. Qui trecenta millia unciarum auri domino papae et suis fratribus obtulerunt, de cuius auri quantitate triginta millia unciarum incontinenti persolventes eisdem, ipsius auri residuum in deposito ponere domini papae et fratrum nomine, ipso in regem coronato Apuliae existente, humiliter promittendo, et praedictis domino papae et cardinalibus, postquam coronatus haberetur, decem millia unciarum auri annuatim solvere promiserunt. Quibus auditis, eorum petitione non admissa, redeundi licentia tribuerunt" (Walter Waddington Shirley, ed., *Royal and Other Historical Letters Illustrative of the Reign of Henry III*, 2 vols., *Rerum Britannicarum Medii Aevi Scriptores* 27 [London, 1862–66], 2:205–6, no. 569).

³⁹ From Capasso, *Historia*, 219–20, no. 369*, and Girona, "Mullerament," 274–75, no. 15, we know that on the actual wedding day, 13 June 1262, Manfred's envoys could only hand over 25,000 ounces. Matteo Spinelli, *Diurnali*, ed. G. H. Pertz, MGH SS 19 (Hanover, 1866; rpt. Leipzig, 1925), 484, writes that Manfred imposed the *maritaggio* tax for the dowry, and he reports that although Manfred only used 30,000 for the dowry he had actually collected 60,000, according to rumor. This was probably an exaggerated report. Some critics believe Spinelli's diary to be a forgery of the sixteenth century, but in any case the material appears to rest on genuine local traditions. The best edition, though very rare, is by G. Dura and G. Vigo, eds., *Annali di Matteo Spinello da Giovenazzo* (Naples, 1872).

⁴⁰ Urban's letter to James is published in Rodenberg, *Epistolae*, 482–86, no. 519; Girona, "Mullerament," 268–71, no. 11; Jean Guiraud, ed., *Les Registres d'Urban IV, 1261–1264*, 4 vols. in 5 (Paris, 1901–58) [cited hereafter as *Reg. Urb.*], 2:29–31, no. 94; O. Raynaldus, ed., *Annales Ecclesiastici*, vol. 3, 2d ed. (Lucca, 1747; rpt. in Baronius, Raynaldus, et al., *Annales Ecclesiastici*, vol. 22, ed. A. Theiner [Bar-le-Duc, 1880], under year 1262, sections 9–15, pp. 80–82. I will refer to this letter subsequently using Raynaldus's convenient section and page numbers. Urban made this remark in sec. 13, p. 81: "Licet enim post vocationem

could or would deliver. As was standard practice, Urban on *cena domini* (6 April 1262) cited Manfred to defend himself against the charge of heresy made against him by Alexander.⁴¹ Urban made no move, however, to respond to Manfred's offers.

Yet Urban was determined to find a solution to the problem created by the papacy's quarrel with Manfred, who paid no census to the church, barred bishops chosen in Rome from their sees in the *Regno*, and controlled lands claimed by the papacy—Benevento and much of the Marche. In a retrospective letter to one of his most trusted confidants, Simon de Brie, cardinal of Sta. Cecilia (the future Martin IV), Urban wrote that he had begun by hoping Manfred would repent or the *Regno* would liberate itself.⁴² These hopes did not materialize; Manfred's position was firm enough in his kingdom that he need not consider unconditional surrender to the church. Urban therefore, like his predecessors, looked to a foreign prince to aid him in the matter he considered his top priority. He wrote Henry III that after his election he realized that all the troubles of the church spread from the *Regno*, and because help was not forthcoming from England, he had looked elsewhere.⁴³ Urban was French, and he first proposed that a son of St. Louis be invested with Sicily.⁴⁴ As the king refused, the pope turned to Louis's younger brother, Charles of Anjou, and Urban's envoy Alberto was discussing terms with Charles by March of 1262.⁴⁵

Urban quickly encountered stiff opposition to his proclivity for a solution that would entail a major European conflict. Baldwin, James of Aragon, and Louis IX himself pressured him to open negotiations with Manfred, at first with no success. James, of course, was contemplating a marriage alliance with Manfred, while Baldwin desired the Sicilian king's help to regain his throne. Louis had for many years devoted himself to a policy of peace in Europe as a prerequisite for the conquest of the Holy Land.⁴⁶

nostram ad Apostolatus officium, ad nos plures nuntios destinavit, nosque ipsos benignitate solita duxerimus admittendos, nulla tamen per ipsos nisi delusoria quaedam audivimus, nec digna relatu." The letter was written on 26 April 1262.

⁴¹ Rodenberg, *Epistolae*, 496–98, no. 527; *Reg. Urb.* 2:57–58, no. 151, at p. 57.

⁴² Rodenberg, *Epistolae*, 583–85, no. 593; *Reg. Urb.* 2:389–90, no. 802. A letter drafted by Richard of Pofi (Hampe, *Urban IV*, 81–82, no. 3) shows that early in his reign Urban attempted to encourage the rebellion of the false Frederick in Sicily.

⁴³ Rodenberg, *Epistolae*, 533–37, no. 553, at 535–36.

⁴⁴ Jordan, *Les origines* 2:375, dates this suggestion early in Urban's reign. The evidence comes from an undated letter of Urban to Louis's queen, Margaret, noted in *Reg. Urb.* 4 (Appendix), 19, no. 2834, from André Duchesne, *Historiae francorum scriptores* (Paris, 1636–49), 5:869, no. 33.

⁴⁵ Capasso, *Historia*, 216–17, no. 365, shows Alberto in contact with Charles by 23 March 1262.

⁴⁶ On Louis's policy of European peace for the sake of crusade, see William Chester

Urban was not an easy man to persuade. A letter, to which I will return again later, written by the Sienese agent Baldo to his town's priors, the Twenty-four, gives a lively picture of the pope. "He does what he wants, and there is no one who dares to contradict him. Indeed, as I believe you well know from other sources, there has been no pope since the time of Alexander III so constant in word and action or less concerned about his relatives than this one, and he recognizes no obstacle against his will."⁴⁷

The letters which Urban wrote in response to James's and Louis's urging of peace set a course from which the pope would only temporarily deviate. In them Urban argues that it is useless to seek peace with Manfred, because the king's offers are not serious. The evidence I have reviewed shows that this was not the case. Urban, however, discredits Manfred by presenting the papacy's offers of salvation—which since Innocent's time were accompanied by no political parleys, and would have required unconditional surrender—as genuine, while Manfred's practical offers of terms to Alexander and Urban are denounced as worthless.

A draft letter of Urban in the collection of Richard of Pofi shows that Louis IX did not initially support his brother's interest in the Sicilian crown.⁴⁸ Louis, relates Urban, being a peaceloving prince, has asked the pope to accredit the envoy which the French king intends to send to Apulia to help make peace between the church and Manfred. The pope replies,

Truly in several different negotiations with him, his stiff neck and stubborn impudence could not be softened by any application of sweetness. Like an obstinate man going from bad to worse, he became more rigid, shunning the road of salvation with a closed mind, the more generously and benignantly the Holy See offered him her breasts overflowing with mercy. We really think, therefore, there is no use wearing out your envoy with negotiations, and we

Jordan, *Louis IX and the Challenge of the Crusade: A Study in Rulership* (Princeton, 1979), 195–206.

⁴⁷ The entire text of Baldo's letter is given on pp. 50–52 of Fedor Schneider, "Beiträge zur Geschichte Friedrichs II und Manfreds," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 15 (1913): 1–52. The sketch of Urban is on p. 51: "facit id quod vult, et non est aliquis ei contradicere ausus; et certe, sicut vos credo firmiter scire per alios, non fuit aliquis papa a tempore Alexandri III., qui tantum fuerit constans in factis et dictis suis et qui minus curaret coniunctos sibi quem iste, et voluntati sue non est obstaculum coram eo."

⁴⁸ These model letters of a papal secretary were published and discussed by Hampe in *Urban IV*. They are undated, but I agree with Hampe's early dating of this letter (no. 4, pp. 82–84), as it appears to be a reply to a general letter of advice from Louis on such topics as the Tartar menace and the imperial vacancy, appropriate to the opening year of a pope.

neither grant nor deny the requested license for this area, having decided to leave it to his sound judgment.⁴⁹

Although Louis was dubious about the plans of the pope and his brother, he was equally suspicious of the rapprochement between Manfred and Aragon, fearing, as we will see, that it also might lead to war. Louis seems to have advised Urban to aid him in trying to impede the match between Constance and Peter, for it is all but certain that it was to Louis that Ottobono Fieschi, cardinal of San Adriano and newpew to Innocent IV, wrote, "Your Royal Highness should know that the lord pope, on reading what you wrote on this business, and accepting your salubrious counsel, sent that king letters without delay, as seemed best, in which he strictly prohibited that savage and deadly match."⁵⁰

In a letter to James of 26 April 1262, Urban exhorts him to break off the engagement.⁵¹ Urban also relates that Manfred has asked James's help in procuring him peace with the church. Urban counters that Manfred "in his negotiations for concord walks in falsehood and duplicity" and "only talks peace."⁵² Urban then lists Manfred's crimes, adding, "Yet, if he had repented and made himself fit for grace, the church would have forgiven all in Christ, freely for his salvation, as is right."⁵³ Urban continues with more charges against Manfred, stemming from Alexander's time, and remarks, "After all this he was grown so high in his pride, like the donkey's colt who imagines himself a stallion, that he gave up all negotiations,

⁴⁹ "Verum quia diversis et variis tractatibus habitis illius dure cervicis acerbitas et asperitatis nodose protervitas nullius potuit aspersione dulcedinis emolliri, sed tanquam obstinatus de malo labens in peius, quanto dicte sedis benignitas affluentis ubera misericordie sibi liberalius obtulit, tanto factus rigidior viam salutis obtusis intelligentie sensibus aspernatur, non putantes verisimiliter utile dictum nuntium huiusmodi tractatibus fatigari, sibi licentiam in hac parte non dedimus, nec denegavimus postulatam, sed id sue prohibitatis arbitrio duximus relinquendum" (Hampe, *Urban IV*, 84, no. 4).

⁵⁰ "Ad hec noverit regia celsitudo, quod dominus papa, cognitis, que per vos super negotio huiusmodi scripta fuerant, et acceptato salubri consilio vestro, prefato regi litteras suas, sicut expedire visum est, absque more dispendio destinavit, quibus, ne parentela ipsa funebris et inculta contraheretur, inhibuit et districtius interdixit." This letter comes from a collection of model missives based on those of Ottobono, published by Karl Hampe, "Reise nach England vom Juli 1895 bis Februar 1896," Section 2.8, *Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde* 22 (1897): 335-72, no. 33, at p. 345.

⁵¹ Raynaldus, *Annales* 3, 1262, sections 14 and 15, pp. 81-82. Ottobono also wrote a letter which must be to James seconding Urban's prohibition of the match, and notable for the strong language he uses to denigrate Manfred, who "slithers with snaky claws over the land," in Hampe, "Reise," 361, no. IV.

⁵² "Ipsaque rei evidentia doceat, eum quoad tractatus concordiae in falsitatis duplicitate procedere, . . . imo solum proloqui verba pacis" (Raynaldus, *Annales* 3, 1262, sec. 10, p. 80).

⁵³ "Haec tamen in Christo, si poenitens se habilitasset ad gratiam, ob salutem ipsius libenter, prout deceret, pertransisset Ecclesia" (Raynaldus, *Annales* 3, 1262, sec. 13, p. 81).

although the church would not have accepted them, nor should she.”⁵⁴ Since Manfred’s proposals to Urban himself were nothing but “delusoria” the pope has refused with thanks James’s offer in the matter. These two letters to James and Louis are a clear indication of Urban’s unwillingness, even under pressure, to negotiate peace with Manfred.

Shortly before Urban sent his letter to James, Constance had set sail from Naples, at Easter time.⁵⁵ She and Peter were married on 13 June 1262, at Montpellier, in James’s presence.⁵⁶ James then journeyed to Clermont in Auvergne for a meeting with Louis, with whom he had been in alliance since 1258, at which time James’s daughter Elizabeth, whom the French called Isabelle, had been affianced to Louis’s eldest son Philip.⁵⁷ In Clermont James issued a remarkable document averring his innocence of any plot to aid Manfred in an attack upon the church. James says he made the match between Peter and Constance because of reasons which he explained to the king of France privately, and promises that neither he nor his sons will ever aid Manfred against the church. The testimonial was necessary “in order to conserve the integrity of our royal name and fully satisfy the conscience of the king of France.”⁵⁸ Although James asserts that he made the statement freely, under no compulsion, we learn from a letter of Urban that Louis had been threatening to break off the marriage between his son and James’s daughter.⁵⁹ Their marriage probably took place immediately after James made his deposition on 6 July.⁶⁰

⁵⁴ “Post quae omnia in nimiam erectus superbiam, et quasi pullum onagri se liberum natum putans, tractatus omnes, quanquam eos non acceptasset Ecclesia, sicuti nec debebat, prorsus omisit” (ibid.). I translate freely to make sense out of the metaphor. Urban is referring to Manfred’s illegitimate birth.

⁵⁵ Bernat Desclot, *Crònica*, ed. M. Coll i Alentorn, 5 vols. (Barcelona, 1949–51), 2:161, chap. 51.

⁵⁶ Capasso, *Historia*, 219–20, no. 369*; Girona, “Mullerament,” 274, no. 14.

⁵⁷ This was arranged by the treaty of Corbeil; see Jordan, *Les origines* 2:375.

⁵⁸ “Ultro volumus pro regii nostri nominis integritate servanda et ut ejusdem regis Francie possimus plenius satisfacere consciencie . . . declarare . . . nostri nunquam fuisse propositi quod viro nobili Matfredo . . . contra Romanam Ecclesiam . . . auxilium . . . preberemus; set ex causis aliquibus quas dicto Regi Francie familiariter intimavimus ad dictum matrimonium . . . consensimus” (Girona, “Mullerament,” 272–73, no. 13, at 273). James’s deposition is dated 6 July 1262.

⁵⁹ Raynaldus, *Annales* 3, 1262, sections 16–19, pp. 82–83; noted in *Reg. Urb.* 3, appendix, p. 6, no. 2855. A draft version of this undated letter exists in the collection of Richard of Pofi (Hampe, *Urban IV*, 84–86, no. 5). I discuss this letter subsequently.

⁶⁰ Girona, “Mullerament,” 250–51, puts the marriage of Philip and Elizabeth on Pentecost, 28 May 1262, before that of Constance and Peter. Urban’s letter, however, makes clear that the sequence of weddings was the reverse (Raynaldus, *Annales* 3, 1262, sections 16–19, pp. 82–83). I therefore agree with Jordan (*Les origines* 2:376) in putting Elizabeth’s wedding on 6 July. The date has the additional merit of sparing James a second trip to Auvergne.

Urban, however, only knew half the story. Among the witnesses of James's promise to Louis were both Philip of Courtenay, Baldwin's son, and the archbishop of Tyre, in France to promote the crusade to recover the Holy Land.⁶¹ The archbishop had sent off an envoy, the notary Jean de Paris, with the precipitate news that Louis had broken off his son's match, and Urban was jubilant at the false report. In the congratulatory letter the pope sent to Louis he relates that although he has just sent off letters to the king by Jean de Valenciennes, he must write again at the good news brought by Jean de Paris. Louis is lavishly praised for spurning the most tenuous connection with Manfred, the persecutor of the church.⁶²

In the summer of 1262 Urban, despite his previous refusals of mediation, began to respond to the requests of Manfred's envoys for serious talks. I attribute this change of attitude (which proved temporary) to two factors, the influence of Baldwin and Jean de Valenciennes, who had both joined the pope sometime in the late spring,⁶³ and the belated news that the marriage alliances between Sicily and Aragon, and Aragon and France, had gone through. The pope realized he had not succeeded in isolating Manfred.

A letter of Baldwin, written to Manfred a year later, tells us that Jean de Valenciennes had urged Manfred's cause with the pope. Baldwin writes, "Jean de Valenciennes, the lord of Cayphas, supports you everywhere in good faith, as even your envoys, who were with us at the Roman curia, clearly realized."⁶⁴

Jean de Valenciennes, a baron of Outremer and a longtime associate of Baldwin,⁶⁵ had seconded the deposed emperor in urging the necessity of a crusade to Constantinople and the Holy Land with Urban, who responded favorably, and had written Louis in Baldwin's behalf already on 5 June 1262.⁶⁶ Jean and Baldwin must have represented to the pope that there were not sufficient men and materials to do two things at once, send a crusade to the East and bring Manfred down. Baldwin, moreover, relied on Manfred's aid to recover Constantinople. Whatever the pope's personal

⁶¹ Girona, "Mullerament," 272-73, no. 13. On the archbishop of Tyre, see Jordan, *Les origines* 2:386-87.

⁶² Raynaldus, *Annales* 3, 1262, sections 16-19, pp. 82-83.

⁶³ Urban, in Raynaldus, *Annales* 3, 1262, sec. 17, p. 82, discussed above, associates his move from Viterbo to Montefiascone with the dispatch of Jean de Valenciennes to France, and the pope's dated letters indicate he arrived at Montefiascone in late July.

⁶⁴ "Dominus Johannes de Valentia dominus de Cayphas pro vobis assistit ubicumque bona fide, quod etiam nuncii vestri, qui nobiscum fuerunt in curia Romana, visibiliter perpenderunt" (Martène, *Thesaurus* 2:25, no. 11).

⁶⁵ Jordan, *Les origines* 2:379.

⁶⁶ *Reg. Urb.* 2:48, no. 132.

preference, Urban realized in the summer of 1262 that the choice between an eastern crusade or the "Sicilian business" did not depend upon him alone. An expedition against Manfred must be financed by a tithe on the French clergy and carried out by Frenchmen; this could not be done without the consent of the French king.⁶⁷

The importance which Urban laid on Louis's attitude is made clear from a letter of Baldo of Siena. Baldo visited Urban in Montefiascone, the pope's summer retreat by the Lake of Bolsena, and on 21 August 1262 he reported what he had learned to the Sienese priors.⁶⁸ Urban had now opened peace negotiations with Manfred's envoys, and prorogued the terminus within which Manfred must appear in person and offer submission on the charge of heresy. The deadline, which had been set on *cena domini* for 1 August, was now moved to 18 November, the Octave of St. Martin.⁶⁹ A letter of John of Hemingford to Henry III from the curia confirms that the terminus had been deferred.⁷⁰

Openly only Manfred's citation for heresy had been discussed, but Baldo, whose city of Siena had close ties to Manfred, had received inside information, probably from the Sicilian envoys. Baldo informed the Sienese that Manfred was serious about a settlement, writing them, "Certain of these ambassadors have had some secret talks with the pope about peace, generally about the status of the *Regno*, and you should know that he [Manfred] would gladly have peace with the pope. Yet the pope himself will not give an answer about it at present for this reason, that he awaits first a response from the king of France on the status of the *Regno*, and if the king accepts, know that he will not make peace; if not, peace can be made."⁷¹ This last piece of information was perhaps passed on to Baldo by a member of Urban's staff.

⁶⁷ On the financing of the crusade against Manfred, see Norman Housley, *The Italian Crusades* (Oxford, 1982), 175, 190–92, and 222–31.

⁶⁸ The date has been conclusively established by Davidsohn, "Beiträge," 82–104. Schneider, "Beiträge," 38–42, puts the letter in August of 1263, while Jordan, *Les origines* 2:392 n. 1, places it in November of 1262, which vitiates much of his study of the peace negotiations with Manfred.

⁶⁹ Baldo, in Schneider, "Beiträge," 50–51. By mistake Baldo has written "the Octave of the Virgin"; the correct terminus, the Octave of St. Martin, is given by a letter of Urban written 11 November 1262, in Rodenberg, *Epistolae*, 496–98, no. 527, at 497; *Reg. Urb.* 2:57–58, no. 151.

⁷⁰ Shirley, *Letters* 2:104–6, no. 501, at 105. The letter is undated, and incorrectly attributed to 1254 by Shirley. The mention of Manfred's prorogation and of the capture of Conrad (discussed below) puts the letter in late summer or early fall of 1262.

⁷¹ "Et quidam ex dictis ambasciatoribus aliqua secrete tractarunt cum papa de modo concordie, generaliter de facto rengni, et sciatis, quod libenter haberet concordiam cum papa; tamen ipse papa non respondet super hoc ad presens, ista de causa, quod expectat prius responsum a rege Francie super facto rengni, et si rex acceptaverit, sciatis, quod non faciet concordiam: si vero non, poterit fieri" (Schneider, "Beiträge," 51).

Urban had belatedly broached the subject of a genuine peace with Manfred's envoys, but he would break off, Baldo tells us, were Louis to "accept"—that is, if Louis backed the "Sicilian business" which Urban's envoy Alberto was discussing with Charles. Urban, then, favored the Sicilian agenda over an eastern crusade, but he investigated what Manfred had to offer while awaiting Louis's reply.

The letters carried by Jean de Valenciennes would have asked Louis for a yes or no answer, but by 25 October no reply had come. On that date Urban wrote Alberto a nervous letter. The pope went over what Alberto had written him, that Louis, after reading the letters delivered by Jean de Valenciennes, wished to stall Alberto's negotiations with Charles until he, Louis, consulted further with Urban. Alberto, however, persuaded Louis to allow him to return to the count, and no letter arrived from Louis for Urban, who therefore advised Alberto to continue talks with Charles, but not close with him.⁷² Louis, it seems, could not choose between his brother's ambition for a crown and his own desire for peace in Europe and an eastern crusade; his silence forced the decision back upon Urban.

While summer turned to fall, and still no word came from Louis, negotiations were under way between envoys of Manfred and Urban. The extension to 18 November would allow them to work out the comprehensive political settlement necessary before any ceremony of religious submission and forgiveness might take place. It was the first time since 1254 such an opportunity had been offered Manfred. Cardinal Ottobono believed it possible the negotiations might succeed, for he wrote to a friend from Montefiascone that Manfred "has been summoned and is coming, it is said, to the feet of the saints."⁷³

The sources tell us little about the peace terms discussed. Manfred's ends were recognition of his kingship and release from excommunication. We can reconstruct his initial bargaining position from his past proposals to Urban of money and crusading help. Manfred had strong territorial advantages, for his forces were occupying the Marche and supporting the Ghibelline cause in Tuscany, but the pope had tremendous leverage through his use of excommunication, interdict, and the threat of crusade.

It is difficult to say how much Urban asked Manfred to concede, because we do not know to what extent the pope was ever serious in his offers of peace, or just how soon the negotiations became merely a charade to

⁷² Rodenberg, *Epistolae*, 494–95, no. 525 ; *Reg. Urb.* 2:54–55, no. 146.

⁷³ "Vocati principis M. et ad pedes Sanctorum, ut dicitur, venientis" (Hampe, "Reise," 364–65, no. V).

prove to Louis that Urban desired peace, but failed. Saba Malaspina, in his account of the negotiations, to which I will return, only mentions one of the papal demands, restoration of the *regnicoli* exiles in full.⁷⁴ The demand is not surprising, but the pope's unwillingness to be flexible on this issue suggests that his desire for peace was not deep. Given Baldo's portrait of Urban as a hardheaded man who granted no favors to relatives, we might have expected him to sacrifice part of the exiles' claims for something he wanted badly.

Thierry de Vaucouleurs, in his poem on the life of Urban, speaks as though the Marche were the central issue, and all indications are that the recovery of the Marche was one of Urban's principal aims.⁷⁵ Urban had gained a bargaining point when his forces operating in the Marche captured Conrad of Antioch, Manfred's nephew.⁷⁶ Thierry tells us that Manfred, bishop elect of Verona, was sent out by Urban to the Marche "so that if he gave Conrad back to him, the Marche might be lawfully returned,"⁷⁷ indicating an offer made by the papacy to release Conrad if Manfred vacated the Marche. Conrad, however, escaped his captors on a night when they were overcome by wine.⁷⁸

Urban's preoccupation with the Marche and Tuscany can be gauged by his letters. When writing of Manfred's crimes to James of Aragon, Henry III of England, or the prelates of France, the pope dwells rhetorically on such charges as the alleged murder of Conradin's envoy or Manfred's toleration of Saracen rites, but the one political crime Urban always laments is the presence of Manfred's forces in the Marche and Tuscany.⁷⁹

⁷⁴ Saba Malaspina, *Historia* 2.7, ed. Del Re, *Cronisti* 2:230.

⁷⁵ Thierry de Vaucouleurs, *Vita Urbani* IV, ed. L. Muratori, RIS, vol. 3 (Milan, 1734), part 2, cols. 411–12. Wolfgang Hagemann, "Studien und Dokumente zur Geschichte der Marken in Zeitalter der Staufer: v. Montegiorgio (II)," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 54 (1974): 58–121, shows that much of the Marche, including Montegiorgio, had come under Manfred's control in 1258–59 but had returned to papal allegiance in the final months of 1264, as a result of Urban's energies (pp. 80–84). The article continues in vol. 55/56 (1976): 96–158.

⁷⁶ John of Hemingford (Shirley, *Letters* 2:105–6, no. 501) mentions Conrad's capture as occurring after Manfred's envoys had obtained the prorogation of their king's terminus.

⁷⁷ "Ut si Conradum praefatum redderet ipsi, Reddita legitime Marche dicta foret" (Thierry de Vaucouleurs, *Vita Urbani*, cols. 411–12).

⁷⁸ Saba Malaspina, *Historia* 2.8, ed. Del Re, *Cronisti* 2:231. Saba narrates Conrad's capture and escape after he deals with the peace negotiations, but he does not always follow an exact chronology.

⁷⁹ Letter to James, ed. Raynaldus, *Annales* 3, 1262, sec. 13, p. 81; letter to Henry III, ed. Rodenberg, *Epistolae*, 533–37, no. 553; letter to the French prelates, ed. Rodenberg, *Epistolae*, 586–89, no. 594.

The terms Urban offered Charles of Anjou in 1263 also confirm the importance of these issues.⁸⁰ Charles and his heirs are never to infringe or hold any office in church territory, and if they try to interfere in Tuscany in any way they forfeit the *Regno*. The pope also specifies free elections of ecclesiastics and restoration of the exiles. Most interesting is that Urban asks (in vain) that Charles yield to the papacy the Terra di Lavoro, citing the agreement made by Manfred and Cardinal Ottaviano in 1255 conceding the Terra di Lavoro to the church. This is an indication that Urban demanded the cession of the Terra di Lavoro from Manfred as well, and he may have asked that Manfred be satisfied with his 1255 title of Prince of Taranto rather than king, since this would have obviated the problems of Manfred's illegitimate birth and Conradin's claims.

Saba Malaspina tells us the negotiations proceeded so far that Manfred moved toward the border, preparing to meet the pope.⁸¹ A document dated in November, allowing a convent of nuns to receive benefactions, shows Manfred in Sulmona in the Abruzzi, his northernmost province. The gallant king says that he especially favors the requests of the "fragile sex."⁸² We know from a papal permit issued 11 November 1262 that Manfred did have license to proceed across the border, provided he brought with him no more than 800 persons, of whom only 100 could be armed, and 700 mounts.⁸³

Manfred and Urban never met. The breakdown of negotiations occurred in two stages, according to the crucial narrative of Saba Malaspina. Since Saba presents events in a most convoluted fashion, it is convenient to designate the first moment in his narrative as A and the second as B. At moment A, Manfred missed his terminus of 18 November. His envoys had not yielded to Urban's demands for reinstatement of all *regnicoli* exiles, and therefore Manfred did not dare to enter papal territory with an escort of only 100 armed men. Negotiations continued nonetheless (it was rather usual for such termini to be missed) and Manfred's envoys made new concessions. At moment B, perhaps in December, Urban terminated the negotiations.⁸⁴ Saba narrates these events in a rhetorical pattern BABA to reiterate the poignant contrast of Manfred's ill-timed quibbling before the terminus, and his useless concessions after it had passed. I will unravel the components and study them in the correct sequence AABB.⁸⁵

⁸⁰ Rodenberg, *Epistolae*, 510–20, no. 539; Capasso, *Historia*, 228–32, no. 387.

⁸¹ Saba Malaspina, *Historia* 2.7, ed. Del Re, *Cronisti* 2:230.

⁸² Capasso, *Historia*, 226, no. 381.

⁸³ Rodenberg, *Epistolae*, 486–98, no. 527, at 498; *Reg. Urb.* 2:57–58, no. 151.

⁸⁴ Davidsohn, "Beiträge," 96–97, argues from Sienese documents revealing unrest on 6 and 9 December that rumors of a rift between Manfred and the pope had reached Siena.

⁸⁵ Schneider, "Beiträge," 17–20, points out the importance of this passage in Saba's work

The A passages are as follows: "When the church was willing, and the king could have reconciled himself to the Holy See, by the counsel and influence of certain counts whom the king had unlawfully beneficed with the holdings of noble exiles—and the church argued that, among other agreements, the goods of the exiles would be restored in full—the king disdained the good will of the church and did not accede to its demands";⁸⁶ "Thus the pope fastened the bond of excommunication on the king, who was made stubborn by the immoral counsel of new-made counts, like a man predestined to an evil end."⁸⁷ I would put Urban's reexcommunication of Manfred promptly after 18 November, when the king had missed his terminus, but this gesture did not stall further negotiations.

I give the B passages in the reverse order of Saba's text: "Afterwards, when he [Manfred] seemed willing to subject himself to the will of the See, seeking peace with all diligence, then the church repudiated his humility, for he had not humbled himself at the right time";⁸⁸ "Since it did not befit the church to cancel that which came from the mouth of the pontiff, who had, through envoys, carried out a serious negotiation and preliminary settlement about the transfer and concession of the kingdom with the count of Provence [Charles], whom it was not fitting to deceive in this matter, the pope did not admit the allegations of the aforesaid [envoys] who excused the king."⁸⁹

Saba's statement is clear: Urban ended the negotiations. Although Saba wrote his history twenty years after the events, he knew the *Regno* well and was a papal secretary with access to church records. Despite his moments

and sorts out the difference in Hampe's and Jordan's understanding of it. Unfortunately Schneider (19 n. 1) follows Hampe (*Urban IV*, 26–27) in putting moment A back in the days of Innocent or Alexander IV, and, like both earlier scholars, Schneider does not distinguish clearly between moment B and the events of *cena domini* 1263 ("Beiträge," 18).

⁸⁶ "Dum ecclesia voluit, idemque rex potuit sedi se reconciliare praedictae, consilio et suasionem quorundam comitum, quos ipse rex bonis nobilium exulum non jure praefecerat, quibus exulibus restitui per regem integre bona sua, inter alia pacta, ecclesia contendeat, rex praedictus ipsius ecclesiae beneplacita parvipendit, nec annuit postulatis" (Saba Malaspina, *Historia* 2.7, ed. Del Re, *Cronisti* 2:230).

⁸⁷ "Sicque ipsum regem, quem novorum comitum reddebant non recta consilia pertinacem, tamquam jam praescitum ad malum summus pontifex excommunicationis vinculo innodavit" (ibid., 231).

⁸⁸ "Cum autem postmodum visus est velle sub exquisitis cum omni diligentia pactis sedis ejusdem se subjicere voluntati, ejus humilitatem tunc repudiavit ecclesia, quae se sibi tempore congruo humiliare nequivit" (ibid., 230–31).

⁸⁹ "Cumque non deceret ecclesiam quae processerant de labiis summi pontificis irritare, qui cum comite Provinciae concessionis regni oblatione praeambula, cui super hoc non expediebat illudi, solemnem per nuntios faciebat teneri tractatum, excusantium praedictorum allegationes pro rege idem summus pontifex non admisit" (ibid., 230).

of sympathy with Manfred he was no Ghibelline and would not have the least reason to shift the blame for the failure of peace negotiations from Manfred to Urban.⁹⁰ We have seen that Urban was waiting for decisive word from Louis IX, but the king had not answered by 25 October.⁹¹ The pope grew weary of the negotiations, and although the final settlement with Charles was not made for nearly two more years, Urban informed Manfred of his choice. In concluding his account of the negotiations, Saba tells us, "The king, seething at the church, returned to the land of Apulia."⁹²

Manfred was indeed "seething," and dispatched envoys to denounce Urban in public to his face. After this insult the pope sent Louis an account of his own behavior. Claiming that he had been motivated to explore peace by Louis's original suggestion that he do so, Urban wrote,

We caused detailed negotiations to be held with him for a long time about establishing a peace of this sort, and when these negotiations gave hope that the business would be consummated auspiciously with honor for the church, Manfred, in his usual fashion, acted like a man playing deceptive tricks on us and the church, and on this past *cena domini*, when a multitude of the faithful from various parts of the world was gathered in our presence and that of our brethren at Orvieto, he sent messengers to the Holy See, not to consummate but rather to dissipate the aforesaid peace, who expressed in words what Manfred felt in his heart—not only did they have no intention of consummating peace, but they actually tried to distort our procedures against Manfred.⁹³

⁹⁰ Michele Fuiano, *Studi di storiografia medioevale* (Naples, 1960), 237–87, gives a good evaluation of Saba Malaspina's reliability and his attitudes. The same chapter appears in Fuiano's expanded *Studi di storiografia medioevale ed umanistica*, 2d ed. (Naples, 1975), 231–80. An undated letter written by an unknown intermediary between Clement IV and Manfred supports Saba's account of Urban's negotiations. It runs, "Verum sciat M. quod fuit tempus in quo gratiam repulit, cui parata per omnia videbatur, & quae postmodum haberi non potuit tempore minus opportuno quaesita" (Martène, *Thesaurus* 2:274–75, no. 226, at col. 275). The letter is noted in Édouard Jordan, ed., *Les Registres de Clément IV*, 2 vols. (Paris, 1893–1945) [hereafter *Reg. Clém.*], 2:371–72, no. 1015.

⁹¹ Jordan, *Les origines* 2:393, assumes a letter counseling peace arrived from Louis shortly after 25 October, while Davidsohn, "Beiträge," 100, believes Louis sent Urban an acceptance of the Sicilian business at that point. I see no evidence for either theory. The pope expected a letter and was puzzled by Louis's silence. When Urban writes Louis next spring that Louis once (*olim*) counseled peace talks, he is referring to Louis's initial advice to *open* negotiations, and the pope mentions no further suggestions from Louis. Urban makes this remark in Hampe, *Urban IV*, 86–88, no. 6, at p. 87. The letter is discussed below.

⁹² "Repetit rex fremens contra ecclesiam partes Apuliae" (Saba Malaspina, *Historia* 2.7, ed. Del Re, *Cronisti* 2:231). We do not know just when Manfred returned from the Abruzzi to Apulia. The earliest preserved document of his for 1263 dates from March and was issued in Foggia (Capasso, *Historia*, 228, no. 383).

⁹³ This is from a draft letter of Richard of Pofi, in Hampe, *Urban IV*, 86–88, no. 6, at 87–88: "haberi cum ipso fecimus expressum diutius de huiusmodi pace reformanda

Urban has omitted one important piece of information; it was he who broke off the negotiations, and it was this very rupture which Manfred's representatives must have denounced before the crowd. Urban had a strong motive for blaming the termination of peace talks on Manfred, for Louis had not yet given the pope a definitive answer on the Sicilian business, and would not until he was convinced that a peaceful solution was impossible. Urban's letter must have convinced Louis, for a document of 26 June 1263 indicates that Charles has requested, and Urban conceded, the use of a three-year tithe on the French clergy for the Sicilian expedition.⁹⁴ Charles would hardly have demanded this without his brother's permission.

In a letter to Manfred Baldwin exclaims that he "cannot possibly credit" the story that it was Manfred who broke off the peace negotiations.⁹⁵ Baldwin had returned to France from Spain to find the Sicilian business now moving fast. On 17 June 1263 Urban sent off revised conditions for enfeoffing Charles with the *Regno*,⁹⁶ and on 26 June the pope promised to denounce and depose Manfred and preach the cross against him.⁹⁷ Alarmed, Baldwin wrote Manfred on 2 July, "We found that the lord king of France had received letters and accounts from the Roman curia, complaining about you and blaming you greatly, and some people reported to the lord king that you halted the peace negotiations between you and the church (about which matter the king had asked, and was working for the good of all Christendom), and you ruptured everything which had been settled."⁹⁸

Baldwin counsels Manfred to send letters and a messenger to the king and queen of France to explain and ask for mediation. "Defend your innocence as best you can, and tell the king the truth, and why the peace

tractatum, et cum ipsum speraretur negotium per ea, quae tractata fuerant, debere ad honorem ecclesie prelate feliciter consummari, dictus M[anfredus], nobis et eidem ecclesie more solito tamquam vir deceptionis illudens, in die cene Domini proximo preterito, astante coram nobis et fratribus nostris apud Urbem Veterem fidelium de diversis mundi partibus multitudine congregata, quosdam non pro consummanda, sed pro dissipanda potius pace predicta nuntios ad sedem apostolicam destinavit, qui exprimentes verbo, quod idem M[anfredus] gestabat in pectore, non solum, quod non ad pacis consummationem intenderent, immo nitebantur nostros processus contra dictum M[anfredum] habitos depravare."

⁹⁴ Rodenberg, *Epistolae*, 523–24, no. 542; *Reg. Urb.* 2:125–26, no. 272.

⁹⁵ "Nisi vos culpabiles esse noveritis, quod nullatenus crederemus" (Martène, *Thesaurus* 2:23–26, no. 11, at col. 24).

⁹⁶ Rodenberg, *Epistolae*, 510–20, no. 539; *Reg. Urb.* 2:124–25, no. 270.

⁹⁷ Rodenberg, *Epistolae*, 523–24, no. 542; *Reg. Urb.* 2:125–26, no. 272.

⁹⁸ "Invenimus quod dominus rex Franciae receperat a curia Romana litteras & rumores querulos de vobis plurimum onerosos: & eidem domino regi mandaverant aliqui quod tractatus pacis, qui inter vos & Ecclesiam tractabatur, de quo idem rex rogaverat, & pro bono totius christianitatis laboraverat: erga ipsos per vos remanserat, & totum illud quod tractatum fuerat ruperatis" (Martène, *Thesaurus* 2:23–26, no. 11, at col. 24).

failed—unless you know yourself to be to blame, which I cannot possibly credit.”⁹⁹ Promising his own support and that of Jean de Valenciennes, Baldwin writes, “We pour out our prayers to all-powerful God that he may grant you pure and mature counsel, and let you choose the better path, which can be better and more useful to you and all Christendom.”¹⁰⁰

This letter makes a pleasant contrast in its straightforward urgency and warm, fatherly manner, to the elaborate missives composed by the papal secretaries. No doubt Baldwin, when he speaks of the good of Christendom, is thinking primarily of his own reinstatement in Constantinople, and he mentions his own concerns briefly at the end of the letter. Baldwin was the emperor who sold the roof tiles of his palace, peddled holy relics, mortgaged his only son to the Venetians, and lost his crown.¹⁰¹ His letter, however, reveals a generous and honorable man. Du Cange remarked that those who rate Baldwin low have not considered with care his record or his circumstances.¹⁰²

Baldwin’s letter never reached Manfred. Intercepted by Malatesta of Rimini, it was passed on to Urban, who sent it with a cover letter to Alberto, warning his *nuncio* to beware Baldwin, and to alert Charles and possibly Louis to the danger.¹⁰³ Without benefit of Baldwin’s advice, Manfred failed to reassure Louis of his peaceful proclivities, and Louis appears to have now abandoned Manfred’s cause for another set of scruples, which were in turn laid to rest by a new arrival at his court, Bartholomeo Pignatelli, archbishop of Cosenza. In a letter to Bartholomeo, Urban writes that he knows it was the archbishop who persuaded Louis to favor the Sicilian business.¹⁰⁴ Bartholomeo can not have arrived in France until August 1263,

⁹⁹ “Innocentiam vestram melius quam poteritis excusetis, ac ipsam rei veritatem declaretis, & in quo remansit concordia; nisi vos culpabiles esse noveritis, quod nullatenus crederemus” (ibid.).

¹⁰⁰ “Et nos ad Dominum cunctipotentem preces nostras effundimus, quod super hoc vobis praestare dignetur purum & maturum consilium, & det vobis viam eligere meliorem, quae vobis & toti christianitati melior & utilior esse possit” (ibid., col. 25).

¹⁰¹ On the trials and tribulations of Baldwin, see the articles of Robert Lee Wolff, “Fragmentum” (see above, n. 34) and “Mortgage and Redemption of an Emperor’s Son: Castile and the Latin Empire of Constantinople,” *Speculum* 29 (1954): 45–84, also in *Studies in the Latin Empire* (see above, n. 34).

¹⁰² Charles Du Fresne Du Cange, *Histoire de l’empire de Constantinople*, 2d ed., 2 vols. (Paris, 1826; rpt. New York, 1971), 1:422–24.

¹⁰³ The cover letter is published in Martène, *Thesaurus* 2:23, no. 10, and dated 28 July 1263. This missive and Baldwin’s attached letter both come from the Colbert manuscript, a collection of fifty-three of Urban’s letters, published in *Thesaurus* 2. Most concern the Sicilian business. On the collection, see Edith Pásztor, “Lettere di Urbano IV *super negotio Regni Siciliae*,” in *Aus Kirche und Reich: Studien zu Theologie, Politik und Recht im Mittelalter*, ed. Hubert Mordek (Sigmaringen, 1983), 383–95.

¹⁰⁴ Rodenberg, *Epistolae*, 593, no. 600; *Reg. Urb.* 2:398, no. 816.

on a journey which also included England, where he tried without success to procure a renunciation to any claims on the Sicilian throne from Henry III and his son Edmund, the candidate of Alexander IV.¹⁰⁵ This failed mission created new doubts in Louis's mind over the Sicilian business.

Urban, in a letter to Alberto, reviews the envoy's latest report of Louis's thinking: "Granted that in taking on this business he zealously forwards the honor and felicity of the Roman church, [and] wisely takes care to aid the empire of Constantinople and help the Holy Land; yet he fears—and justly so, if there were any truth in their premises—that many would be scandalized, as he puts it, if he invades the rights of others."¹⁰⁶

This indicates that Louis has finally rejected Baldwin's argument that Manfred favored peace and would support an overseas crusade. As Urban reports it, Louis now views Charles's venture as a help, rather than a hindrance, to the crusading effort. This is the first instance of that thesis on which Urban, and after him Clement and Charles, would lay so much weight, that only with Sicily (and Sicily's fleet) in Charles's hands will the overseas crusades truly prosper.¹⁰⁷ Louis has found a formula for harmonizing his own desire for an overseas crusade and Charles's yearning for a crown.

Urban's letter to Alberto ends in a rather amusing fashion. The pope lavishly praises Louis's "purity of conscience" and his "innocence"—and then exclaims in exasperation that the king really ought to trust him and the cardinals more, and not imagine they would involve Louis in anything damaging to his virtue, let alone theirs!¹⁰⁸ Bartholomeo must have quieted Louis's new scruples, for the king made no further objections to the Sicilian business, although he was never willing to lend crown money to his brother's venture.¹⁰⁹

¹⁰⁵ On 30 July 1263, Urban wrote Alberto that he was sending Bartholomeo to France and England (Rodenberg, *Epistolae*, 537, no. 554; *Reg. Urb.* 2:140, no. 296). On Bartholomeo's English mission, see *Reg. Urb.* 2:140–43, nos. 297–98.

¹⁰⁶ "Licet in hujusmodi assumptione negotii Ecclesiae Romanae zeletur honorem et felicitatem, ad Constantinopolitani subventionem imperii, ac Terrae-Sanctae subsidium, ad quae ferventer aspirat, prudenter attendat; tamen dubitat, nec immerito si veritas praemissis adesset, non sine multorum, ut asserit, scandalo jus invadere alienum" (Raynaldus, *Annales* 3, 1262, sec. 21, p. 84). Although Raynaldus assigns it to 1262, the letter is undated, and I believe a date of 1263 gives a better sequence of Louis's scruples. Jordan prefers a date very early in Urban's papacy (*Les origines* 2:375).

¹⁰⁷ Urban develops this thesis in a letter to French prelates of 3 May 1264 (Rodenberg, *Epistolae*, 586–89, no. 594; *Reg. Urb.* 2:390–93, no. 804).

¹⁰⁸ Raynaldus, *Annales* 3, 1262, sec. 21, p. 84. The pope's exasperation also indicates a late date for this letter. Urban is finally fed up with the tender conscience and changing scruples of the saintly king.

¹⁰⁹ Jordan, *Les origines* 2:402, pictures Louis as an enthusiastic convert to the Sicilian business. Arnold Bergmann, *König Manfred von Sizilien: Seine Geschichte vom Tod Urbans IV bis zur Schlacht bei Benevent, 1264–66*, Heidelberg Abhandlungen zur mittleren und

Urban's negotiations with Charles were complicated and slowed by the count's election to the Roman senatorship, but the pope never again considered a political settlement with Manfred. On 17 July 1264 Urban wrote to Cardinal Simon de Brie that Manfred thought he could only have peace if he captured the pope and the curia.¹¹⁰ It is a revealing remark; Urban was well aware of Manfred's desperate desire for peace, but since *cena domini* 1263 the Sicilian king no longer put any hope in rational negotiations.

In this same period, the pope and Manfred, probably for the only time, exchanged letters, as a result of the capture by Manfred's forces of the elect of Verona, rector for the church of the disputed Marche.¹¹¹ In his missive the pope offers neither peace nor absolution in return for his rector's release, although he speaks of his hope that Manfred will repent and merit grace.¹¹²

Manfred's answer begins meekly but soon switches to a tone of outraged innocence. He has searched his conscience and finds therein no fault. There is no reason for the malignance of the church, "save that I did not submit to your will, to be deprived of my patrimony, and was never yet able to earn the grace of reconciliation, for which I wished, and which I sought in many and different ways."¹¹³ This can only mean that in Manfred's view the peace negotiations had never comprised a reasonable offer by the papacy to crown him king of Sicily. Manfred laments that the elect of Verona has called him the son of Satan and preached the cross against him—a Christian king who was procuring help for the Holy Land. This is a reference to his old offer to win back Constantinople and Jerusalem for the church, if Urban were to give him peace. But the king is no longer in a mood to make concessions to the pope. He promises to treat the elect of Verona well but hopes Urban does not take it ill if he cannot release the prisoner without the consent of his barons.¹¹⁴

neueren Geschichte 23 (Heidelberg, 1909; rpt. Nendeln, Liechtenstein, 1977), 32–33, thinks Louis always remained lukewarm and sceptical. I prefer the latter view.

¹¹⁰ Martène, *Thesaurus* 2:82–86, no. 56, at col. 85.

¹¹¹ These letters are undated, but in his July letter to Simon (see previous note) Urban also mentions the capture of the elect of Verona. Thus the pope probably wrote Manfred in summer 1264.

¹¹² Martène, *Thesaurus* 2:90–91, no. 60.

¹¹³ "Nisi . . . quod voluntati vestrae super hereditatis privatione non parui, & reconciliationis optatae gratiam, quam multifarie multisque modis expetii, hoc usque non potui promereri" (Martène, *Thesaurus* 2:91–93, no. 62 [61], at col. 92).

¹¹⁴ *Ibid.*, 92–93. A year later Clement obtained the prisoner's release through the intercession of James of Aragon (Martène, *Thesaurus* 2:192, no. 139; also noted in *Reg. Clém.* 1:361, no. 952).

This exchange of letters, in which both Urban and Manfred mixed bitter reproaches with speciously tender expressions, makes clear that there was no hope any more for reconciliation. On 4 September 1264, a month before his death, Urban was able to write Cardinal Simon de Brie, who now headed the negotiation team in France, congratulating him on having finally settled the conditions for Charles's investiture.¹¹⁵

In the negotiations of 1262 both Urban and Manfred were following precedents. Abulafia's recent work, which divests Frederick II of some of his reputation as a titan, shows the emperor's strong desire and need for peace with the papacy and also clarifies the intransigence of Gregory IX and Innocent IV. In 1244–45 Innocent twice abruptly terminated negotiations and avoided meeting the emperor, despite Frederick's promise of crusading aid and the attempts of Louis IX and Baldwin to mediate; in Abulafia's view the prospect of peace was unwelcome to the pope.¹¹⁶

Urban repeated the same procedures against Frederick's son; even the choice of Charles as the papal candidate had been mooted by Innocent.¹¹⁷ Yet Manfred was no Frederick. Frederick's control over both Germany and the *Regno* was perceived as an intolerable stranglehold on the Papal State and a challenge to papal preeminence. Manfred had no ties to Germany; his outlook was Mediterranean. We cannot be sure, but I believe it likely Manfred would have yielded his dominance of central Italy in return for recognition and a durable peace.

Charles of Anjou, on the other hand, was a potential threat to papal independence. Immensely ambitious, he held the county of Provence to the northwest of Italy, and his brother was Europe's most powerful monarch. It is perhaps not surprising that a French pope did not foresee the danger of a French *Regno* for the papacy. Baldwin and Louis IX, themselves of Capetian blood, did not warn him against Capetian expansionism. Their argument that European peace would enable successful overseas crusades may not have impressed the pragmatic Urban; yet in rejecting the role of peacemaker for the role of faction leader Urban chose a lesser part for the papacy.

Norman Housley has marshaled a great deal of evidence showing that among the north Italians and the French clergy there was an abundance of criticism of Urban and his successors for using the crusading mechanism for campaigns in Italy rather than overseas; his contention that the criticism

¹¹⁵ Martène, *Thesaurus* 2:87–88, no. 58.

¹¹⁶ David Abulafia, *Frederick II: A Medieval Emperor* (London, 1988), 359–74.

¹¹⁷ In 1253 Alberto, who would later negotiate on Urban's behalf, was negotiating for Innocent with Charles. See Rodenberg, *Epistolae*, 173–81, no. 208.

was partisan and limited in impact seems to me unwarranted.¹¹⁸ James, Baldwin, and Louis, who protested in Manfred's case, were not Ghibellines; they represented forces traditionally aligned with the papacy. To bring the Sicilian business to a conclusion Urban piloted the bark of Peter through waves of opposition.¹¹⁹ His letter to James shows that he began defending his policy by charging Manfred with spiritual crimes. As this failed to silence the demands for peace talks, Urban went through the motions of negotiation. His account to Louis of this procedure was less than candid, and he found the king's scruples tiresome. The pope intercepted Baldwin's letter, in which the exiled emperor urged peace and the good of Christendom, and prayed God might grant it. These sentiments only made the pope more wary of him.

Urban's policy was a short-term success; Charles defeated Manfred and as promised yielded to the church the territories and rights it claimed. In the long run the results were unfortunate for both Italy and the papacy. French rule proved intolerable, and in 1282 the Sicilians turned to Manfred's daughter Constance and her husband, Peter III of Aragon. Thus Italy became for centuries the battleground of Spanish and French ambitions, and Guelf/Ghibelline divisions were perpetuated by the struggle.

In acting as a Frenchman and a Guelf, rather than as the arbiter of Europe, Urban contributed to the dwindling of papal prestige. The very success of the crusades against Manfred and Conradin led the popes into a fatal dependency on the French houses of Naples and Paris. In the wake of the Sicilian rebellion another French pope, Martin IV, preached a crusade against Aragon, and following Urban's precedent proclaimed a son of France the king of Aragon. This time the political crusade ended ignominiously. Urban had chosen Charles of Anjou as his agent; within two generations Philip IV of France was bending the popes to his will. Joseph Strayer wrote, "Anagni and the exile at Avignon were the logical consequences of the political crusades."¹²⁰

The crusade against Manfred in the long run lessened not only the popes' political autonomy but also their spiritual authority. The papacy had charged Manfred with heresy; the charge was not believed. After Manfred's death people questioned the validity of the sentence of excommunication imposed

¹¹⁸ Housley, *The Italian Crusades*, 37, 78–91, 106–8, 142–43 (evidence of criticism); 108–10, 252–53 (dismissal as partisan).

¹¹⁹ The metaphor occurs several times in Urban's letters.

¹²⁰ Joseph R. Strayer, "The Political Crusades of the Thirteenth Century," in *Medieval Statecraft and the Perspectives of History* (Princeton, 1971), 123–58 at 155. The article also appears in vol. 2 of *A History of the Crusades*, ed. Kenneth M. Setton (Philadelphia, 1962), 343–75.

upon him. Legends arose telling of a hermit and a madman, both of whom revealed Manfred's salvation, the one on divine authority, the other through demonic inspiration.¹²¹ In the *Divine Comedy* Dante placed Frederick amongst the heretics in hell, but the ghost of Manfred meets the poet at the entrance to purgatory. Manfred's spirit tells of a double triumph over the papacy. His grandsons are on the thrones of Aragon and Sicily, and the curse of the popes, although it has lengthened his period of purgation, cannot forever condemn a man who trusts in God's mercy (*Purgatorio* 3.103-45).

Urban was a man who did what he wanted, as Baldo wrote the Sienese. Hampe gave him high marks as a man of action and argued that the pope could not be blamed for not foreseeing, like some Joachite, the devastation which the French would bring to Italy, or the unfortunate results of the politicization of the papacy.¹²² Baldwin's intercepted letter did not warn of these consequences, yet Baldwin foretold the future when he wrote of "the many evils and dangers which can happen, and will happen, if peace fails."¹²³

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¹²¹ Giovanni Colasanti, "La sepoltura di Manfredi lungo il Liri," *Archivio della Reale Società Romana di Storia Patria* 47 (1924): 45-116 at 63-67.

¹²² Hampe, *Urban IV*, 62-63.

¹²³ "Plurima mala & pericula, quae ex defectu concordiae evenire possint & evenient, nisi super hoc dignetur divina clementia providere" (Martène, *Thesaurus* 2:25, no. 11).

OLEG'S STATUS AS RULER OF TMUTARAKAN': THE SPHRAGISTIC EVIDENCE*

Martin Dimnik

Oleg Svyatoslavich (d. 1115) was the most illustrious son of Svyatoslav Yaroslavich, the progenitor of the dynasty of Chernigov. His political career spanned some fifty years, during which his fortunes and those of his family oscillated between political supremacy in Rus' and exile in Greece. To judge from the reports of medieval authors, he was both loved and hated by his contemporaries. For example, the chronicler condemned the prince for using the pagan Polovtsy as his allies against the Christians of Rus', but the unidentified author of the epic poem "The Lay of Igor's Campaign" (*Slovo o polku Igoreve*) commiserated with Oleg, dubbing him the "Son of Bitter Glory" (*Goreslavich*) for the injustices he had to suffer. During the course of his political career Oleg was, at different times, the prince of Vladimir in Volyn', Chernigov, Novgorod Severskiy, and Tmutarakan' on the Taman' peninsula.¹

Tmutarakan' had a unique relationship with Rus'. Although located on the northeast shore of the Black Sea and separated from the lands of Rus' by great stretches of steppe, it formed part of the Chernigov patrimony Svyatoslav inherited from his father, Yaroslav "the Wise." During his reign Svyatoslav evidently appointed his sons to administer the town; after his death it remained, except for a short interval, under their jurisdiction until the end of the eleventh century. For the purposes of our investigation it will be useful to examine briefly the princes who governed Tmutarakan' during this period.

In 1054, after the death of his father, Svyatoslav became the autonomous ruler of Chernigov. He appointed his eldest son, Gleb, to Tmutarakan' at

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¹ For a discussion of Oleg's political career, see M. Dimnik, *The Dynasty of Chernigov, 1054-1146* (Toronto, at press).

an unspecified date, but before 1064, since the chronicler reports that Gleb was driven out of the town in that year by Rostislav Vladimirovich of Novgorod.² Two years later the Greeks had Rostislav murdered, the chronicler explains, because he adopted an expansionist policy.³ After his death, as later evidence shows, Gleb was reinstated. In 1068 Svyatoslav transferred Gleb to Novgorod, but the chronicle fails to report which son he appointed to Tmutarakan'. In all likelihood Oleg moved to the Taman' peninsula because, according to genealogical seniority, he was the next in line for the post.

It should be noted that historians disagree concerning the genealogical order of Svyatoslav's sons and a large number of them place Gleb, David, and Roman ahead of Oleg in seniority.⁴ Nevertheless, there is convincing evidence that Oleg was the next in line after Gleb. Much of the evidence for Oleg's seniority is circumstantial and is beyond the scope of this study.⁵ For our purposes, suffice it to note the evidence of Svyatoslav's *Izbornik* of 1073. This miscellany, commissioned by Svyatoslav, contains a portrait of the prince, his wife, and his sons as its frontispiece. The artist, a contemporary who had firsthand knowledge of the prince's family, wrote the name of each son above his head according to genealogical seniority. His list reads as follows: Gleb, Oleg, David, Roman, and Yaroslav.⁶ Given the authority of the artist's credentials, there can be little doubt that this is the correct order of seniority for the Svyatoslavichi.

In 1072 Svyatoslav usurped Kiev but also retained personal control of Chernigov. The following year he moved Oleg to Vladimir in Volyn' and gave Tmutarakan' to Oleg's younger brother Roman.⁷ The latter remained there until 1079 when he was treacherously killed by the nomadic Polovtsy, allies of his uncle Vsevolod who was then prince of Kiev.⁸

² "Lavrent'evskaya letopis'" [Lav.], *Polnoe sobranie russkikh letopisey* [PSRL], vol. 1, 2d ed. (Leningrad, 1926; rpt. Moscow, 1962), cols. 163–64; "Ipat'evskaya letopis'" [Ipat.], PSRL, vol. 2, 2d ed. (St. Petersburg, 1908; rpt. Moscow, 1962), col. 152.

³ Lav., col. 166; Ipat., col. 155.

⁴ See, for example, R. V. Zotov, *O Chernigovskikh knyaz'yakh po Lyubetskому sinodiku i o chernigovskom knyazhestve v Tatarskoe vremya* (St. Petersburg, 1892), 257–59; S. M. Solov'ev, *Istoriya Rossii s drevneyshikh vremen*, bk. 1, vol. 2 (Moscow, 1962), 737; N. de Baumgarten, *Généalogies et mariages occidentaux des Rurikides Russes du x^e au xiii^e siècle*, *Orientalia Christiana* 9, no. 35 (Rome, 1927), 18; John Fennell, *The Crisis of Medieval Russia 1200–1304* (London, 1983), 175.

⁵ For a detailed examination of Oleg's seniority, see Dimnik, *Dynasty of Chernigov*.

⁶ *Izbornik Svyatoslava 1073 goda: Faksimil'noe izdanie* (Moscow, 1983), fol. 1v.

⁷ This view is not generally held by historians. Most believe Roman, and not Oleg, replaced Gleb in 1068 (see, for example, A. V. Gadlo, "Tmutarokanskies etyudy IV [Starshie Yaroslavichi i Rostislav]," *Vestnik Leningradskogo Universiteta*, 2d ser. [1990/4]: 4).

⁸ Lav., col. 204; Ipat., cols. 195–96.

The fortunes of the Svyatoslavichi, however, had begun to plummet three years earlier with the death of their father in Kiev. At that time Oleg's uncles, Izyaslav and Vsevolod, expelled him from Vladimir, denied him control of his patrimonial town of Chernigov, and placed him under house arrest. In 1078 Oleg successfully escaped from Chernigov and fled to his brother Roman in Tmutarakan'. During the same year their eldest brother Gleb was ambushed and killed near Novgorod,⁹ giving Oleg, the eldest surviving brother, seniority among the Svyatoslavichi. The following year Roman was killed by the Polovtsy. Oleg, who had taken sanctuary with him on the Taman' peninsula, was captured soon after and expelled to Greece.¹⁰

Oleg remained in exile for four years, and during that period the Svyatoslavichi lost control of Tmutarakan'. First Vsevolod, who became prince of Kiev after the death of his elder brother Izyaslav in 1078, sent his *posadnik* Ratibor to administer the town.¹¹ Three years later Oleg's cousin David, the son of Igor', and Volodar', the son of Rostislav, seized Tmutarakan' after they were deprived of domains by Vsevolod.¹²

Basing their observations on the evidence of seals, historians generally agree that Oleg, while in exile, married a Greek noblewoman named Feofania (Theophano), a member of the Mouzalon family. In 1083 he returned from exile and evicted David and Volodar' from Tmutarakan'. He evidently did this with the military backing of his new in-laws and the consent of Emperor Alexius I Comnenus.¹³ At the same time he was reconciled with his uncle in Kiev, who, having played a part in expelling Oleg from Tmutarakan', did not challenge his return.¹⁴ Oleg's alliance with the prince of Kiev ended in 1093 when Vsevolod died;¹⁵ in the following year he marched against Chernigov and captured it.¹⁶

⁹ Lav., col. 199; Ipat., cols. 190–91.

¹⁰ Lav., col. 204; Ipat., col. 196.

¹¹ Lav., col. 204; Ipat., col. 196.

¹² Lav., col. 204; Ipat., col. 196.

¹³ In 1083 Alexius I was desperately preoccupied with attacks by the Normans from the west and had lost much of Asia Minor to the Turks. He was not in a position to commit his forces elsewhere. However, early in his reign political power became centered in an alliance of aristocratic families all united by close marriage ties (see M. Angold, *The Byzantine Empire 1025–1204: A political history* [London, 1984], 102–13). It is possible that one or more of these families (viz., the Mouzalon) offered the services of their military retainers to Oleg to secure his return to Tmutarakan'; see n. 41 below.

¹⁴ Lav., col. 205; Ipat., col. 196; M. Dimnik, "Oleg Svyatoslavich and His Patronage of the Cult of SS. Boris and Gleb," *Mediaeval Studies* 50 (1988): 354–59. Cf. A. Kazhdan, who questions the view that Oleg married Feofania Mouzalon ("Rus'-Byzantine Princely Marriages in the Eleventh and Twelfth Centuries," *Harvard Ukrainian Studies* 12/13 [1988/1989]: 417–18).

¹⁵ Lav., cols. 215–16; Ipat., col. 207.

¹⁶ Lav., col. 226; Ipat., cols. 216–17.

Thus we see that Oleg ruled Tmutarakan' on two separate occasions, from 1068 to 1073 and from 1083 to 1094. The written sources tell us almost nothing about his activities in the Black Sea region. A number of seals attributed to him, however, give unique information concerning his political status. While historians are not unanimous in their identification of the seals, the agreement among them is sufficiently strong to warrant a detailed examination of the sphragistic evidence. The purpose of this investigation is to show how the evidence of the seals supplements that of the written sources and gives us a better understanding of Oleg's status in Tmutarakan' in relation to the prince of Chernigov, the prince of Kiev, and the emperor in Constantinople.

The Greeks and those rulers and officials whose states fell under Byzantium's cultural sphere of influence used lead seals to certify and ensure the privacy of documents. The seals varied in size and were marked with inscriptions, monograms, or images. They usually gave the issuer's name (in the case of a prince from Rus' his Christian or baptismal name), title, and office.

The first type of seal attributed to Oleg has a full standing figure of the Archangel Michael holding a staff in his right hand and a sphere in his left on the obverse. On the reverse it bears a Greek inscription in four lines beginning with the conventional formula: "O Lord, help Mikhail, *archon* of Tomatarkha [i.e., Tmutarakan]." ¹⁷ A second type, similar in nature, has also been discovered. The obverse is the same as that of the first type. On the reverse, however, it has a Greek legend of six lines which reads as follows: "O Lord, help Michael, *archon* of Matrachia [i.e., Tmutarakan], Zichia, and all Khazaria." ¹⁸

One observation immediately comes to mind. On the first type of seal Oleg, whose baptismal name was Michael, is referred to simply as *archon* of Tomatarkha [i.e., Tmutarakan'], whereas on the second type he is identified more elaborately as "*archon* of Matrachia [i.e., Tmutarakan'], ¹⁹ Zichia, and all Khazaria." Why the discrepancy?

¹⁷ D. Ya. Berg, "Novyi typ pechatky Oleha-Mykhaila," *Arkheolohiia* 42 (Kiev, 1983): 41-42, 47.

¹⁸ N. Banescu, "La domination byzantine à Matracha (Tmutorokan), en Zichie, en Khazarie et en 'Russie' à l'époque des Comnènes," *Bulletin de la Section Historique, Academie Roumaine* 22 (Bucharest, 1941): 58-59; V. L. Yanin, "Pechati Feofano Muzalon," *Numizmatika i sfragistika* 2 (Kiev, 1965): 83, 90. Cf. A. Kazhdan, who argues that the seal should not be attributed to Oleg ("Some Little-Known or Misinterpreted Evidence about Kievan Rus' in Twelfth-Century Greek Sources," *Harvard Ukrainian Studies* 7 [1983]: 353), and Gadlo, who claims the seal belonged to Rostislav ("Tmutorokanskije etyudy IV [Starshie Yaroslavichi i Rostislav]," 7). See n. 46 below, concerning a third type of seal.

¹⁹ The Greeks used both appellations, Tomatarkha and Matrachia (Matracha), for Tmutarakan'.

The logical assumption to be made is that the two types of seals were not issued contemporaneously. It is unlikely that Oleg styled himself in two different ways during the same period of rule.²⁰ We may also assume that in each instance he credited himself with all the territories over which he exercised jurisdiction. Given these observations, it is reasonable to conclude that the two types of seals represent different periods of Oleg's administration: one during which his jurisdiction extended over only Tmutarakan', and another during which it covered the additional territories of Zichia and all Khazaria. Thus, the evidence of seals supports our contention that Oleg was prince of Tmutarakan' on two separate occasions. It is impossible, however, to establish solely from this information the chronology of the two types of seals. We must turn to the chronicles for assistance.

Insofar as evidence allows, let us determine the nature of the Tmutarakan' domain that Yaroslav "the Wise" inherited from his younger brother, Mstislav.²¹ Significantly, our most important source, the "Tale of Bygone Years" (*Povest' vremennykh let*), refers to Mstislav as prince of only Tmutarakan'.²² In one entry, granted, it reports that he attacked the Kasogy (also known as the Adygeians), a people living in the adjacent Kuban' region, and levied tribute on them.²³ And in another, under the year 1023, it states that Mstislav marched with his allies, the same Kasogy and the Khazars, against his brother Yaroslav.²⁴

Although Mstislav formed pacts with at least two of the neighbouring peoples and may have imposed some form of political control over them, the chronicle never asserts that he governed the Zichians, over whom Oleg established his authority at a later date. Even if Mstislav had established his political control over most of the neighbouring peoples, including the Zichians, this did not mean that these were the territories Oleg controlled during his first stay in Tmutarakan'.

According to customary practice, after Mstislav died in 1034,²⁵ all the

²⁰ Oleg would have had reason to change his seal from type one to type two during the same period of rule after annexing new territories. By extending his authority beyond the boundaries of Tmutarakan', however, he would have antagonized the Greeks in the same manner that Rostislav had done before they had him murdered (Lav., col. 166; Ipat., col. 155). It is reasonable to assume that Oleg continued the policy of his brother Gleb in Tmutarakan' and that he neither adopted an expansionist policy nor ran afoul of the Greeks.

²¹ Following Mstislav's death we are told that Yaroslav inherited all his territories on the left bank of the Dnepr (Ipat., col. 138); these included Chernigov and Tmutarakan'.

²² See under the years 1022 (Lav., cols. 146-47; Ipat., col. 134) and 1024 (Lav., col. 147; Ipat., cols. 134-35).

²³ Lav., cols. 146-47; Ipat., col. 134.

²⁴ Lav., col. 147; Ipat., col. 134.

²⁵ Concerning the date of Mstislav's death, see M. Dimnik, "The 'Testament' of Iaroslav 'The Wise': A Re-examination," *Canadian Slavonic Papers* 29 (1987): 371.

alliances he had formed were terminated; it fell upon his successor, Yaroslav, to renew them. There is no chronicle evidence that Yaroslav did this or expanded the lands of Tmutarakan' on any occasion. As a result, the territory that Yaroslav inherited and bequeathed to Oleg's father Svyatoslav was Tmutarakan' proper, that is, the territory of Tmutarakan' that Mstislav had inherited from his father Vladimir Svyatoslavich before 1015. There is also no evidence that Svyatoslav expanded the territories of Tmutarakan' after he inherited them. We may conclude, therefore, that the domain to which Svyatoslav appointed Oleg in 1068 did not include the territories of the Kasogy or those of any other tribes whose land Mstislav had annexed to Tmutarakan'. That is, Oleg's Tmutarakan' did not include the lands of the Zichians or any other neighbouring peoples.²⁶

This means that the seals Oleg issued between the years 1068 and 1073 were of the first type; they identified him simply as *archon* of Tmutarakan'.²⁷ He used the second type, which identified him as *archon* of Matrachia, Zichia, and all Khazaria, between the years 1083 and 1094.²⁸ This evidence is unique because it reveals that Oleg had jurisdiction over a larger domain during the second period of administration and it identifies the territories he controlled.

On both types of seals Oleg used the Greek designation *archon*. Since it is widely believed that the office was customarily held by Byzantine governors, it has been suggested that in 1083 Oleg returned to Tmutarakan' as a vassal of Alexius I Comnenus.²⁹ Was this the case?

The evidence of other seals speaks against this. Two lead seals bearing the name Feofania are associated with Oleg's wife. On one side they bear a Greek inscription of seven lines which reads as follows: "O Lord, help your servant Feofania, the *archontissa* of Rossiya, Mouzalona [i.e., of the

²⁶ According to the account, after Rostislav expelled Gleb, he began to collect tribute from the Kasogy and from other lands beyond the boundaries of Tmutarakan'; for this reason the Greeks had him murdered in 1066 (Lav., col. 166; Ipat., col. 155). This information supports our observation that the domain of Tmutarakan' to which Svyatoslav appointed his sons included no adjacent states.

²⁷ Our claim that Oleg ruled Tmutarakan' between the years 1068 and 1073 is supported by the evidence that he also issued coins modelled on those of Emperor Michael VII Ducas (1071–78); see n. 40 below.

²⁸ Cf. Berg, who claims that the two periods during which Oleg was in Tmutarakan' were the spring and summer of 1078, and from the end of 1078 to the beginning of 1079 ("Novyi tip pechatky Oleha-Mykhaila," 46 n.).

²⁹ A. P. Kazhdan, "Vizantiyskiy podatnoy sborshchik na beregakh kimmeriyskogo bospora v kontse XII v.," in *Problemy obshchestvenno-politicheskoy istorii Rossii i slavyanskikh stran* (Moscow, 1963), 93–101; A. V. Gadlo, "Tmutorokanskije etyudy V (Oleg Svyatoslavich)," *Vestnik Leningradskogo Universiteta*, 2d ser. (1991/2): 8.

Mouzalón family]."³⁰ Another seal, dating from the tenth or eleventh century, contains the legend "O Lord, help your servant George, the *archon*." Historians generally agree that this seal belonged to Oleg's grandfather, Yaroslav "the Wise," whose baptismal name was George.³¹ These seals, as well as others bearing the terms *archon* and *archontissa*,³² suggest that the designations were adopted by all the princes and princesses of Rus' who exercised political jurisdiction.

The use of the term *archon*, therefore, does not prove that Oleg was a vassal of Constantinople, but rather that he was following an established practice. And yet, his status as ruler was different from that of the other princes and princesses of Rus'. This is suggested by the evidence of the two types of seals associated with his administration in Tmutarakan'.

A comparison of Oleg's seals with those of Feofania and the other princes reveals that they differed in one important detail: whereas all the other princes identified themselves with Rus', Oleg associated himself in the one instance with Tmutarakan', and in the other with Zichia and all Khazaria as well. How are we to interpret this distinction?

The discrepancy between the seals belonging to Feofania and Oleg evidently reflected their geographical and chronological provenance. Since those belonging to Feofania designate her as a princess of "Rossiya" (i.e., Rus'), she must have issued them from a town that belonged to Rus'. This could have happened only after 1094 when Oleg departed from Tmutarakan' to occupy his patrimonial domain in Rus'. Consequently, she sent them out from either Chernigov or Novgorod Severskiy, towns that Oleg administered after that date.³³ Oleg, as we have seen, issued his seals before 1094 from Tmutarakan'.

If the differences in the seals belonging to Oleg and his wife reflected their time and place of provenance, are we to assume that the differences

³⁰ Kh. Loparev, "Vizantiyskaya pechat' s imenem russkoy knyagini," *Vizantiyskiy Vremennik* 1 (St. Petersburg, 1894): 159–66; N. P. Likhachev, *Materialy dlya istorii vizantiyskoy i russkoy sfragistiki*, vol. 1 (Leningrad, 1928), 136–39; Yanin, "Pechati Feofano Muzalon," 76–79, 89.

³¹ V. L. Yanin, *Aktovye pechaty drevney rusi X–XV vv.*, 2 vols. (Moscow, 1970), 1:23–24.

³² A seal with the inscription "Mstislav, great *archon* of Rus'" is attributed to Mstislav Izyaslavich (d. 1172) (B. A. Rybakov, "Pechatky Chernihivskiykh kniaziv," *Arkheologiya* 3 [Kiev, 1950]: 111–18), and ones found in the region of Volyn' and labelled "David, *archon* of Rus'" are attributed to David Igorevich, whom Oleg drove out of Tmutarakan' (Yanin, *Aktovye pechaty* 1:20). Monomakh styled himself "*archon* of Rus'" (V. L. Yanin and G. G. Litavrin, "Novye materialy o proiskhozhdenii Vladimira Monomakha," in *Istoriko-arkheologicheskii sbornik* [Moscow, 1962], 205), and his mother Maria labelled herself *archontissa* (*ibid.*, 212–21).

³³ G. G. Litavrin and V. L. Yanin, "Nekotorye problemy russko-vizantiyskikh otnosheniy v IX–XV vv.," *Istoriya SSSR* (1970/4): 50.

between the seals belonging to Oleg and his peers were similarly significant? Let us have a closer look at the question.

No prince of Rus' identified himself geographically, so to speak, with his patrimonial domain. For example, no one singled himself out as the *archon* of Kiev, or Turov, or Chernigov, or Vladimir. Rather, on every seal known to us on which a prince associated himself with a territory, that territory was Rus'.³⁴ This indicates that the identification was political. It signified that the owner of the seal belonged, by birth or through marriage, to the ruling dynasty and exercised political authority in an unspecified territory of Rus'. In practical terms it meant that such a ruler fell under the jurisdiction of Kiev and owed allegiance to its prince.³⁵

Significantly, even on the earliest seals attributed to him, Oleg associated himself not with Rus' but with Tmutarakan' and, at a later date, also with Zichia and Khazaria. It has therefore been suggested that he demonstrated separatist tendencies because he identified himself with the non-Rus' states.³⁶

This was not the case. As has been noted, Oleg became prince of Tmutarakan' for the first time when the town was under the direct control of his father Svyatoslav, Prince of Chernigov. Even during that period of rule he styled himself *archon* of Tmutarakan' rather than of Rus'.³⁷ And yet, there can be no question of interpreting his action as a separatist stance since he was his father's loyal vassal.

Moreover, after Svyatoslav's death in 1076, Oleg always maintained the hope of one day assuming control of his patrimonial domain. Permanently severing ties with Chernigov and the land of Rus' was not his intention.³⁸ On the contrary, it was the hostile action of his uncles Izyaslav and Vsevolod which forced him to flee from Rus' in the hope of regaining control of Chernigov either through negotiation or by force. Therefore, after 1083, his stay in Tmutarakan' can be described as a period of temporizing. We must search for another reason why he produced seals which were significantly different from those of the other princes.

As we have seen, every man who styled himself "*archon* of Rus'" governed a domain in the lands of Rus'; these extended from the territories of

³⁴ A. V. Soloviev, "Ἀρχὼν Ῥωσίας," *Byzantion* 31 [1961]: 240–44.

³⁵ To distinguish himself from the princelings who were subject to him, Vsevolod, Prince of Kiev, labelled himself "*archon* of all Russia" rather than "*archon* of Russia" (*Catalogue of Byzantine Seals at Dumbarton Oaks and in the Fogg Museum of Art*, vol. 1, "Italy, North of the Balkans, North of the Black Sea," ed. J. Nesbitt and N. Oikonomides [Washington, D.C., 1991], 192).

³⁶ Yanin, "Pechati Feofano Muzalon," 88.

³⁷ To date, no seals have been attributed to Oleg's brothers Gleb and Roman for their terms of rule in Tmutarakan'.

³⁸ See Dimnik, *Dynasty of Chernigov*.

Pereyaslavl' in the south to those of Novgorod in the north, and from the territories of Vladimir in Volyn' in the west to those of Murom in the east. Since the prince of Tmutarakan' identified himself with that town rather than with Rus', it appears that in his eyes Tmutarakan' not only was politically separate from Rus' but enjoyed a status similar to that of Rus': it was an autonomous state.³⁹ As the prince of Tmutarakan' Oleg did not swear allegiance to the prince of Kiev.

Nevertheless, during his first stay in Tmutarakan', Oleg was subject to the prince of Chernigov. While Svyatoslav controlled that town, he was Oleg's superior in two ways: politically and personally. As prince of Chernigov, he appointed Oleg to Tmutarakan', and as Oleg's father, he demanded filial obedience. It was only as a vassal of the prince of Chernigov that Oleg owed allegiance, indirectly, to the prince of Kiev. Thus we see that between the years 1068 and 1073 Oleg enjoyed a semiautonomous position in relation to Kiev.

Oleg's semiautonomous status during this period of rule is confirmed by numismatic evidence. Coins attributed to him were discovered near Kerch', a town located on the Crimean peninsula across the Kerch' Straits from Tmutarakan'. It has been suggested that they were modelled on those of Emperor Michael VII Ducas (1071–78), Oleg's contemporary. On the obverse they depict a half figure of Archangel Michael with a nimbus around his head and wings behind his back; he holds a staff in his right hand and an orb in his left hand. The reverse has a Greek inscription in four lines which reads as follows: "Lord, help Michael."⁴⁰

His association with Constantinople, evidently a friendly one, was less complicated. The case of Rostislav, whom, as we have seen, the Greeks poisoned because of his expansionist policy, demonstrated that in the 1060s they had no political control over Tmutarakan'. However, they took active measures to ensure that its prince in no way diminished their influence in the Black Sea region. Since Constantinople expressed no displeasure with

³⁹ An examination of Byzantine seals contained in two private collections allows us to make a useful but as yet inconclusive observation. On all the seals belonging to rulers who labelled themselves *archon*, the term is preceded by a court title such as imperial *spatharios*, *strator*, *kandidatos*, *hypatos*, or *spatharokandidatos* (*Catalogue of Byzantine Seals*, passim); the titles signified the officials' subordination to the emperor. Significantly, no *archon* of Rus' or Tmutarakan' (or Bulgaria) used a court title. This suggests that the rulers of these territories were similar to each other but different from every other *archon* who used court titles. Therefore, to judge from the evidence of the seals, the rulers of Rus' and Tmutarakan' (and Bulgaria) enjoyed greater autonomy than their counterparts who held court titles.

⁴⁰ V. V. Kropotkin and T. I. Makarova, "Nakhodka monet Olega Mikhaila v Korcheve," *Sovetskaya arkheologiya* (1973/2): 250–51, 254; A. A. Molchanov, "Tmutarakanskiy chekan knyazya Olega-Mikhaila Svyatoslavicha," *Sovetskaya arkheologiya* (1982/1): 251–52.

the policies Svyatoslav's sons followed in Tmutarakan', we may assume that he negotiated an alliance with the emperor and saw to it that his sons abided by it.

In 1083, after Oleg returned to Tmutarakan', his status was different from what it had been in 1068 but, nevertheless, once again unique among all the princes of Rus'. After Svyatoslav died, his younger brother Vsevolod seized control of Chernigov. Therefore, after Oleg occupied Tmutarakan' he no longer owed allegiance to the prince of Chernigov because the latter was neither his political superior nor the senior member of his dynasty. After the death of his elder brother Gleb, in 1078, Oleg himself became, both politically and genealogically, the senior prince of the Svyatoslavichi. His rank made Tmutarakan' the *de facto* family capital, albeit temporarily, in place of Chernigov. Consequently, after 1083 Tmutarakan' enjoyed greater political prestige than it had during Oleg's first term of office, when he had served merely as the appointee of the prince of Chernigov.

Given the severed political ties between Tmutarakan' and Chernigov, Tmutarakan's traditional semi-independent position in relation to Kiev and Oleg's political and genealogical seniority in his family, we may conclude that his status as *archon* of Matrachia, Zichia, and all Khazaria was that of an autonomous ruler. He owed allegiance neither to the prince of Chernigov (at this time, his cousin Vladimir Monomakh) nor to the prince of Kiev. To be sure, it is highly improbable that the Greeks would have financed Oleg's return to Tmutarakan' so that he could become the vassal of his uncle Vsevolod in Kiev.

In 1083, shortly before or soon after he occupied Tmutarakan', Oleg acted with unprecedented autonomy: he concluded an alliance directly with the prince of Kiev. He ignored the authority of his cousin Vladimir Monomakh because, according to the bequest Yaroslav "the Wise" made to Svyatoslav, Monomakh was ruling Chernigov unlawfully in Oleg's place. To judge from his relations with Vsevolod after the alliance, Oleg promised to maintain friendly political, cultural, and religious ties with his uncle and the other princes of Rus'.

Oleg was also in a unique position to form an alliance with Alexius I Comnenus. He negotiated not as the deposed princeling of Tmutarakan' but as the designated, albeit exiled, prince of Chernigov. As the senior prince of the Svyatoslavichi, it became Oleg's duty to appoint a prince to Tmutarakan' in place of the deceased Roman. To judge from the chronicle account, he failed to do this before he was shipped off into exile.

The emperor's willingness to deal with Oleg shows that he acknowledged the prince's political credentials on the one hand and, on the other, Oleg's determination to continue his father's policy of cooperation with Constan-

tinople. The latter fact undoubtedly convinced Alexius I Comnenus to help Oleg occupy Tmutarakan' as his ally. The emperor's immediate concern was to have Oleg replace the two usurpers whose presence on the Taman' peninsula, similar to that of Rostislav in 1064, conflicted with Greek interests.

The terms under which Alexius I Comnenus supported Oleg's occupation of Tmutarakan' have not been preserved. At the very least, he must have insisted that Oleg restore the *status quo* which had existed during the lifetime of Svyatoslav. We can only speculate as to what additional demands the emperor may have made. By helping Oleg himself to repossess Tmutarakan' for the Svyatoslavichi, he no doubt hoped that the prince's stay there would be of a short duration. As senior prince of his family, Oleg's main objective was to win possession of Chernigov; he had no intention of occupying Tmutarakan' permanently.

Did the emperor require Oleg to hand over control of Tmutarakan' after he successfully regained possession of his patrimony in Rus'? If he did, it was probably for this very purpose that the Greeks sealed the agreement with a marriage alliance;⁴¹ the personal bond gave them a direct claim to the domain after Oleg departed. Since there is no evidence that he gave Tmutarakan' to one of his younger brothers in 1094, he may well have handed it over to the Greeks. Oleg probably implemented the transfer by appointing one of his Greek in-laws, a member of the Mouzalon family, as governor. There is, however, no documentation to substantiate this observation.

What did the Byzantine backing of Oleg mean in practical terms? By helping him to recapture Tmutarakan', the Greeks were merely acknowledging his right to govern his family's domain. They did not cede to him a territory over which they exercised political authority. According to evidence provided by the seals, however, the Greeks did help him to assert his rule over two additional states: Zichia, located to the south of Tmutarakan' and the river Kuban', and Khazaria, which constituted—in the main—the territories between the Sea of Azov in the west, the rivers Don and Volga in the north, the Caspian Sea in the east, and the rivers Terek and Kuban' in the south.⁴²

⁴¹ During his exile Oleg may have had local Greek support. Although the chronicles tell us nothing about his mother, her name, Killikiya, suggests she may have been a Greek noblewoman or princess (see Zotov, *O Chernigovskikh knyaz'yakh*, 256; and Dimnik, *Dynasty of Chernigov*). If this was the case, her family probably helped Oleg return to Tmutarakan'.

⁴² Although the chroniclers of Rus' never speak of Zichia, it has been suggested that special ties existed between the eparchy of Nikopsis in Zichia and the Church in Tmutarakan' during Oleg's reign (V. A. Moshin, "Nikolay, Episkop Tmutorokanskiy," *Sbornik: Statey po arkheologii i vizantinovedeniyu*, Institut Imeni N. P. Kondakova, vol. 5 [Prague, 1932], 51–54, 58). This information corroborates the evidence of seals that close ties existed between Tmutarakan' and Zichia during Oleg's second period of administration.

According to the chronicle account, after Oleg recaptured Tmutarakan', he slaughtered the Khazars who had advocated his death and that of his brother Roman.⁴³ Presumably, these were the Khazars of the very Khazaria over which he asserted his authority. Since the prince took Tmutarakan' and, it appears, Khazaria by force, it is reasonable to assume that he used arms to capture Zichia. Thus Khazaria and Zichia were not under imperial rule in 1083, when Oleg established his overlordship over them. It was probably because he wished to bring them into his sphere of influence that Alexius I Comnenus formed a pact with Oleg and permitted him to return to Tmutarakan'. Oleg, to judge from the evidence that he had no conflicts with Constantinople during his second period of rule in Tmutarakan', promised to protect Greek interests in Matrachia, Zichia, and all Khazaria.

In concluding an alliance with Oleg, the Greeks acknowledged his seniority among the Svyatoslavichi and they recognized his right of accession, as the senior prince of his family, to the patrimonial throne of Chernigov. Thus, in 1083 he occupied Tmutarakan' as the designated prince of Chernigov, the second most powerful town in Rus'. In that capacity, it is unlikely that he agreed to rule Tmutarakan' as a vassal of the emperor. It is true that in assuming control of Tmutarakan' he adopted the Greek designation *archon*. We have seen, however, that all the other princes of Rus' who identified themselves in that manner owed no allegiance to Constantinople.⁴⁴ What is more, Oleg himself had already used that designation during his first term of rule in 1068, when he had been a young prince under the direct control of his father in Chernigov.

Therefore, Oleg's use of the Greek term after 1083 does not mean that he was a vassal of the Greeks. On the contrary, by negotiating a pact with Oleg in his capacity as the senior prince of the Svyatoslavichi, by forming a marriage alliance with him, and by helping to reinstate him in part of his patrimonial domain, Alexius I Comnenus acknowledged Oleg's independent status.⁴⁵

Oleg's political status in Tmutarakan' was anomalous: he was an autonomous ruler who owed allegiance to neither Constantinople nor Kiev. It was not until 1094, after he regained possession of Chernigov, that he once again became a vassal of the prince of Kiev. At that time, similar to all the other princes, he became an "*archon* of Rus'." No seals which Oleg issued as

⁴³ Lav. col. 205; Ipat., col. 196.

⁴⁴ See also n. 39 above.

⁴⁵ This is a revision of my earlier view that Oleg was a Byzantine governor (Dimnik, "Oleg Svyatoslavich," 359).

prince of Chernigov or Novgorod Severskiy, however, have been conclusively identified.⁴⁶

Assuming that our basic assumptions are correct, namely, that Feofania Mouzalon was Oleg's wife and that he issued the seals which have been attributed to him, we may draw the following conclusions. Oleg's seals reveal that he occupied Tmutarakan' on two different occasions: the first, from 1068 to 1073, and the second, from 1083 to 1094. A comparison of his seals with those of his wife shows that he sent his out from Tmutarakan' before 1094 and she issued hers after that date from either Chernigov or Novgorod Severskiy.

We have seen that all the princes and princesses of Rus' used the Greek designation *archon* and *archontissa* and that Oleg's use of the term signified neither separatist tendencies nor vassalage to Constantinople. Rather, it demonstrated his conformity to established practice. The use of the term on a seal meant that its issuer belonged to one of the ruling families of Rus'. The difference between Oleg's political status and that of the other princes lay in the political state with which he associated himself.

As a prince of Rus' and as the ruler of Tmutarakan', Oleg was an anomaly. His relationship with Kiev was unique during the lifetime of his father Svyatoslav in that, as prince of Tmutarakan', he was not directly subject to the prince of Kiev. Svyatoslav, Prince of Chernigov, appointed Oleg to administer the town in his name. Oleg's status changed but remained unique during his second term of office. At that time he severed Tmutarakan's ties with Chernigov and, for the first time, negotiated a political alliance directly with the prince of Kiev.

In 1083 Oleg also concluded a pact with the emperor and agreed to restore the *status quo* which had existed between Tmutarakan' and Constantinople during the lifetime of Svyatoslav. Since Oleg occupied Tmutarakan' as the senior prince of his dynasty, its rank was raised, at least temporarily, to that of the dynastic capital. During this period, Oleg enjoyed political autonomy and pledged allegiance neither to his uncle Vsevolod nor to Alexius I Comnenus.

Pontifical Institute of Mediaeval Studies.

⁴⁶ A third type of seal has been attributed to Oleg. It has the full figure of the Archangel Michael on one side and Oleg's alleged official princely symbol on the other (A. V. Oreshnikov, *Denezhnye znaki domongol'skoy Rusi*, Trudy Gosudarstvennogo Istoricheskogo Muzeya 6 [Moscow, 1936], 82-83). The identification of this type of seal is unreliable because princely symbols have not been conclusively determined.

SENDING, JOINING, WRITING, AND SPEAKING IN THE DIOCESAN ADMINISTRATION OF THIRTEENTH-CENTURY LINCOLN*

Michael Burger

It is easy to mistake the routine for the trivial, and it is perhaps for this reason that the apparently blunt repetition of formulae which makes up so much of administrative records tempts readers to ignore the incorrigibly commonplace and editors to excise it altogether. Indeed, the demands of economy have often required this.¹ In the face of such pressures, formulae

* I have incurred more debts in writing this article than I can properly acknowledge here. I owe special thanks to Ms. Miriam C. Davis, Professors M. A. Claussen, Sharon Farmer, Emily Zack Tabuteau, Scott L. Waugh, Dr. David M. Smith, Sir Richard Southern, and the referees. Their generously offered criticisms have improved what is at times a difficult text. Any errors which remain are, of course, my own.

¹ See the sad comments in the introduction to *The Register of Thomas de Chobham, Bishop of Worcester, 1317–1327*, ed. Ernest Harold Pearce (London, 1930), viii. This could be the case in the last century as well. Regarding an institution from a roll at York, James Raine felt that “the exact reproduction of its verbiage would . . . [be] a waste of space” (*The Register, or Rolls, of Walter Gray, Lord Archbishop of York*, ed. J. Raine, The Publications of the Surtees Society 56 [London, 1872], x).

I have used the following abbreviations in this article:

LAO: Lincolnshire Archives Office.

Graves.: Rolls of Richard Gravesend in the LAO.

Gravesend: *Rotuli Ricardi Gravesend, diocesis Lincolniensis*. Ed. F. N. Davis, C. W. Foster, and A. Hamilton Thompson. The Canterbury and York Society 31. Oxford, 1925.

Gross.: Rolls of Robert Grosseteste in the LAO.

Grosseteste: *Rotuli Roberti Grosseteste, episcopi Lincolniensis, A.D. MCCXXXV–MCCLIII*. Ed. F. N. Davis. The Publications of the Lincoln Record Society 11. Horncastle, 1914.

Sut.: The Rolls of Oliver Sutton in the LAO.

Sutton: *The Rolls and Register of Bishop Oliver Sutton, 1280–1299*. Ed. Rosalind M. T. Hill. 8 vols. The Publications of the Lincoln Record Society 39, 43, 48, 52, 60, 64, 69, 76. Hereford, Lincoln, Woodbridge, 1948–86.

Wel.: The Rolls of Hugh of Wells in the LAO.

Wells: *Rotuli Hugonis de Welles, episcopi Lincolniensis, A.D. MCCIX–MCCXXXV*. Ed. W. P. W. Phillimore, F. N. Davis, et al. 3 vols. The Canterbury and York Society 1, 3, 4. London, 1907–9.

Since many of the citations are to the manuscripts of the bishops’ rolls and register, the usual practice of citing the name of the benefice with which the entry is concerned would

seem—and, despite the points raised here, in fact are—the best candidates for oblivion. Thus, the editor of Oliver Sutton's rolls and register, who has been justly praised for making accessible a truly impressive record of that bishop's administration, explained, "In transcribing Bishop's Sutton's *memoranda*, I have followed as closely as possible the plan, devised by his admirable registrar, of calendaring the formal entries and copying in full those which have particular interest."² Unfortunately, there is rarely virtue in necessity, especially financial necessity. Sutton's registrar did indeed abbreviate. Nevertheless, the calendared entries in the editions of his rolls and register, and of the rolls of three of Sutton's predecessors, not only omit matters of harsh fact which these bishops' clerks felt necessary to preserve, but also, by their omissions, may lead the unwary to conclude that the formulae in which these facts were expressed were what the student of medieval records expects to encounter—dead formulae.³

be very burdensome. Therefore I have adopted the following convention: where the manuscript of the rolls or register is cited, I have referred to the appropriate entry in the edition by page number, followed by a slash and then a number. This second number is the number of the entry on the page on which it begins, counting from the first *complete* entry on that page. Hence, Wells 2:162/1 refers to *Rotuli Hugonis de Welles, episcopi Lincolnensis*, volume 2, page 162, the first entry beginning on that page (i.e., regarding Hale). I have generally followed the editor of a source in the matter of place names.

² Sutton 3:ix. In her edition of the rolls and register of institutions to benefices, Rosalind M. T. Hill sets out to provide transcripts only of "any unusual entry" (Sutton 1:x). For a brief appreciation of this justly celebrated edition, see Robert Brentano, *Two Churches: England and Italy in the Thirteenth Century* (Princeton, 1968; rpt. Berkeley and Los Angeles, 1988), 177 n. 12. Roy M. Haines has complained that it has been too readily assumed that fifteenth-century episcopal registers "are merely collections of common forms, lacking the interest of their thirteenth and fourteenth-century counterparts" (Roy M. Haines, "The Practice and Problems of a Fifteenth-Century English Bishop: The Episcopate of William Grey," *Mediaeval Studies* 34 [1972]: 440). This attitude is not confined to late medieval registers! And even here one sees a tendency to dismiss "common forms."

³ For an example of the tendency for the keepers of medieval records to apply the same stereotyped descriptions to mask a far more variegated reality, see S. F. C. Milsom's discussion of the plea rolls (*The Legal Framework of English Feudalism* [Cambridge, 1976], 6–7). Current editorial practice regarding bishops' registers may be seen as having been—in part—molded by editorial traditions rooted in the last century and in the early part of this one. Thus, Kathleen Major observed that the omission of marginalia from the edition of Robert Grosseteste's rolls reflected a period when "there was less interest in the mechanism of diocesan administration than [there is] now [i.e., in 1955]" (Kathleen Major, "The *Familia* of Robert Grosseteste," in *Robert Grosseteste, Scholar and Bishop*, ed. D. A. Callus [Oxford, 1955], 216). Like a certain index to the plea rolls, such habits are products of a time when record publications were still thought of as "an aid to very few branches of history . . . intended primarily for genealogists and local historians"—or, more broadly, to recover matters of fact (R. F. Hunnisett, "The Future of Plea Roll Publication," *Archives: The Journal of the British Records Association* 11 [1973–74]: 203). This tradition, along with the sheer volume of high and late medieval record sources, has perhaps fostered among those who use them expectations different from those of students of less documented periods. A friend of mine,

At least in the matter of orders to induct, however, the formulae were very much alive.⁴ The scribes who kept the rolls and register of the thirteenth-century bishops of Lincoln recorded such orders, with some exceptions, very precisely and employed various standardized phrases to describe them. Orders to induct that were sent over distance from the bishop to the recipient were carefully distinguished from those that were given personally by the bishop to the recipient. The former may generally have been written when the rolls began in 1214 or 1215, and they were certainly written by the end of the thirteenth century. The fact that the scribes were so careful to maintain this distinction between orders given personally and those which were not makes plain contemporary concern with intimacy in government.⁵ Thus, formulae can be a key to the predilections of those who drafted them. I shall first need to lay out the evidence which initially suggests that the scribes classified orders into two categories and show the breadth of that division. This will then allow a closer definition of the categories. After examining some instances which violate these categories, I shall consider the extent to which the special distinctions made at Lincoln operated elsewhere. Finally, I shall explore some reasons for the distinctions' existence, and so their cultural significance.

* * *

Until Richard Gravesend's episcopate (1258–79), two verbs were generally used by the scribes to describe orders to induct—*mando* and *iniungo*. The usual formula takes the following form: "it was mandated [or enjoined]

who writes about Carolingian monasticism, was surprised and appalled to discover that the volume of Edward II's patent rolls he had idly picked up from my desk was published in English rather than in the original.

⁴ A secular clerk, upon being instituted to a benefice, had to be "inducted," or put into physical possession of the benefice. The procedure is described by C. W. Foster ("The Lincoln Episcopal Registers, Being the Substance of an Address Delivered to the Canterbury and York Society," *Reports and Papers of the Architectural and Archaeological Societies of the Counties of Lincoln and Northampton* 41 [1933]: 167); and Robert Phillimore compares this with livery of seisin (Robert Phillimore, *The Ecclesiastical Law of the Church of England*, revised ed. by W. G. F. Phillimore, 2 vols. [London, 1895], 1:359–60). Clergy who had been merely admitted, not instituted, to a benefice also had to be "put in possession." Heads of religious houses were "installed," and the person so ordered was to enjoin obedience on the members of the house. Unless stated otherwise, I have used the term "induction" to cover all of these procedures since the differences make no difference to the analysis here, with one exception discussed below.

⁵ This division also allows one to measure to what extent at least this one element of diocesan administration was marked by personal contact between the bishop and his servants. Such evidence can be added to that derived from attested episcopal *acta* regarding who frequented the bishop's household. These matters, however, cannot be taken up here.

to the archdeacon [or some other form, e.g., "the said archdeacon," or to some other person] that etc." ("mandatum [or "iniunctum"] est [or "fuit"] archidiacono [or some other form, e.g., "dicto archidiacono," or some other person] ut etc."). Very often the scribes will extend the "etc." From the time the rolls begin under Hugh of Wells, however, *mando* and *iniungo* clearly refer to the two different situations: the bishop mandates when the recipient is not present to receive the order, and he enjoins when the recipient is there. Dr. David M. Smith seems to have been the first to observe that in Hugh of Wells's rolls, mandates to induct are sometimes described as having been made by letter ("litteratorie"), whereas when an injunction was made to induct the recipient is often described as "present" or "then present" ("presenti" or "tunc presenti").⁶ Thus, of the 1,089 mandates to induct to benefices recorded in Hugh's rolls, 14 were said to have been made "litteratorie."⁷ These descriptions of mandates as having been given "litteratorie" are concentrated on the first six membranes of Wel. LAO Roll X, and thus date from roughly the sixth through eighth years of Hugh's episcopate.⁸ More prominent is the designation of the recipients of injunctions to induct as "(then) present" ([*tunc*] *presens*). More than half of the 458 such injunctions under Hugh of Wells were made to persons "(then) present."⁹ Perhaps reinforcing the impression that injunctions were made to persons

⁶ David M. Smith, "The Administration of Hugh of Wells, Bishop of Lincoln, 1209–35," 2 vols. (University of Nottingham Ph.D. Thesis, 1970), 1:11–12.

⁷ The edition of Hugh of Wells's rolls includes orders to induct in full. Because of this, and because these orders are so numerous, there is little reason to cite all of Hugh's mandates and injunctions here. For mandates made "litteratorie," see Wells 1:17–18, 21–22, 24–25, 28, 32–34. One mandate, which belongs in Wells 1:179/1 does not appear in the edition of Hugh's rolls (see Wel. LAO Roll II m 9). For "mandatum" in Wells 1:232/2, one should read "iniunctum" (Wel. LAO Roll IV m 4).

⁸ For the dating of these membranes, see David M. Smith, "The Rolls of Hugh of Wells, Bishop of Lincoln, 1209–35," *Bulletin of the Institute of Historical Research* 45 (1972): 159–65.

⁹ 259, to be precise. Hugh's editor has ignored the injunction to induct which ought to appear in Wells 3:190/4 (see Wel. LAO Roll IA m 10). For two recipients counted here as "present," see the corrections to Wells 1:224/1 and 3:193/4 provided by Wel. LAO Roll IV m 3 and Wel. LAO Roll IA m 10. Some of the entries are ambiguous and have not been counted here. It is unclear what precisely the scribes meant by writing "etc., ut supra" in place of the order to induct in two entries which follow an entry with an injunction to induct (Wells 3:180–81). Equally obscure are entries where what is clearly the order to induct has been shortened to "ut supra" (four cases in Wells 3:180–81) or to "iniunctum ut supra" where an entry of this second kind is preceded by entries where injunctions are made to persons "(then) present" (six cases in Wells 3:18–20). Such problems are treated conservatively here. There are also three cases where the bishop is said to have been "injungens" or to have enjoined ("injunxit") an induction (Wells 1:25, 141, 3:45), not counted here. (Henceforth such variations, which are rare and seem to matter not at all, will be ignored. In two of these cases the recipient is stated to have been "then present.")

then present is the fact that one injunction was made, so notes the scribe, "viva voce."¹⁰ As Dr. Smith points out, the precision of the men who kept these rolls is remarkable. On no occasion in Hugh's episcopate are mandates to induct said to have been given personally to their recipients, and no injunctions are noted as having been made by letter.

A point of chronology bolsters the link between injunctions and persons being present. Hugh's itinerary indicates that in his twenty-fourth year, at some time on or before 7 March 1233, he settled at his estate at Stow Park never, so far as is known, to emerge alive. Perhaps he was ill. At any rate, it is at this point that the number of injunctions to induct drops substantially, as one might expect, given a link between injunctions and the presence of the recipient.¹¹ This development is illustrated by the following table:¹²

¹⁰ Wells 1:131. This might, however, be less significant than one might suppose. See pp. 167–68 below.

¹¹ The bishop's immobility, first apparent on 7 March 1233, has been noted by Smith, who suspects that old age or illness may have been the cause (Smith, "Rolls," 183). Hugh's itinerary is sufficiently full to make one fairly confident that Hugh never left Stow Park after this date. He is to be found there, and only there, on ten dates in 1233 (in March, April, May, June, July or August, November, and December) and eleven dates in 1234 (January, March, April, May, June, August, October, December) and one date in January 1235 (Smith, "Administration" 2:434–35). Hugh died at Stow Park on 7 February 1235 (ibid. 2:435; and see John Le Neve, *Fasti ecclesiae anglicanae, 1066–1300: III. Lincoln*, compiled by Diana E. Greenway [London, 1977], 3). He is last traceable before his settlement at Stow Park on 9 September 1232, at Lincoln, eight miles from Stow Park (Smith, "Administration" 2:434). Smith has raised the possibility that Hugh's *officialis* in these years acted as Hugh's vicegerent. It is possible, however, that the instances adduced by Smith are, as Smith points out, ad hoc commissions (Smith, "Rolls," 183–84). One may also reasonably suppose that this evidence represents an increasing reliance on such commissions by an immobile Hugh, rather than a general delegation of authority. In this context it may be worth noting that earlier in Hugh's episcopate his *officialis* issued a letter of institution in his own name, by the authority of Hugh, who was travelling to the Lateran council, although the authority of this *officialis*, though not ad hoc, was limited in scope (ibid., 161–62; Wells 1:30). One might expect a vicegerent or coadjutor to issue *acta* in a similar form, but none survives from Hugh's last years. The *acta* issued by Hugh which can be assigned to his years at Stow Park (many are letters of institution) are, however, all in the bishop's own name, not just by his authority (Wells 2:261–71; Wel. LAO Roll IX m 9 [this last *actum* should appear at Wells 2:269 but was omitted from the edition]; *The Registrum Antiquissimum of the Cathedral Church of Lincoln*, ed. C. W. Foster and Kathleen Major, 10 vols., The Publications of the Lincoln Record Society 27–29, 32, 34, 41, 46, 51, 62, 67 [Hereford and Durham, 1931–73], 2:58, 65, 67, 70, 83 [nos. 363, 367, 369, 372, 378], 3:169 [no. 827]; Smith, "Administration" 2:318–20, 327–31, 342–46 [nos. 354, 357–58, 360, 375, 379–81]). A stronger argument derives from the provenance of these *acta*: why should a vicegerent be as immobile as the bishop he replaced?

¹² This table does not include figures from the roll of the archdeaconry of Huntingdon, which breaks off in or after the seventeenth year of Hugh's episcopate. It also excludes ambiguous injunctions (i.e., those discussed above, n. 9).

year of Hugh's episcopate	recipient absent	recipient "present"	recipient "enjoined" only
LAO Roll X (Years 6-10)	140	28	8
Year 10	70	7	4
Year 11	62	22	30
Year 12	39	1	25
Year 13	53	12	14
Year 14	45	4	12
Year 15	60	21	15
Year 16	35	43	14
Year 17	55	13	12
Year 18	56	22	8
Year 19	43	26	6
Year 20	59	14	3
Year 21	58	18	7
Year 22	81	13	4
Year 23	99	9	7
Year 24	84	0	0
(20 Dec. 1232- 19 Dec. 1233)			
Year 25	49	0	1
Year 26	6	0	0
(20 Dec. 1234- 7 Feb. 1235)			

The point is worth some emphasis. *If* one were to argue that "injunction" was simply a neutral term, and that one may suppose the recipient of an injunction to have been present only when he is explicitly said to have been present, one would expect such "neutral" injunctions to continue in the same strength after Hugh's "retirement" as before. But, as the table illustrates, they do not. One should note, however, two cases which run counter to this otherwise neat division between mandate and injunction. The second and third membranes of Wel. LAO Roll VII contain two mandates bearing the same date as an injunction to the person so mandated.¹³ If a different date were substituted in one of the entries in either of these pairs, the chronological order of the rolls (which, it is true, is far from perfect) need not be disturbed, thus allowing more room for a scribal error as to date. It is, perhaps, also

¹³ Compare Wells 2:62/1, 63/2 (orders to the *officialis* of the archdeacon of Buckingham; the injunction was made to the *officialis*, "present"), and Wells 2:65/2-3 (orders to the archdeacon of Buckingham).

conceivable that the dates here are the dates of enrollment rather than the dates of institution.

The terms "mandate" and "injunction" were, to a certain extent, displaced in orders to induct under Hugh of Wells's successors. Gravesend's scribes favored the term "demandatum" in the first sixteen years of that bishop's episcopate (i.e., 1258–72). Their preference for "demandatum" is foreshadowed in the rolls of Robert Grosseteste, bishop from 1235 to 1253. Grosseteste's scribes by and large preferred "mandatum" and "iniunctum" for orders of induction, but occasionally made use of "demandatum."¹⁴ Grosseteste's scribes also began using another term in orders to induct, one which would triumph in Gravesend's later years and carry through to the end of the century. They began to describe explicitly such orders as having been written to the archdeacon or to some other recipient ("scriptum est [or "fuit"] archidiacono [or to some other recipient]").¹⁵ This usage accelerated in the first fifteen years of Gravesend's episcopate, until "scriptum" finally displaced nearly all other terms by the end of the sixteenth year of his episcopate (i.e., 1273–74), when "demandatum" disappears entirely.¹⁶ An interesting light on the way in which formulae can change may be provided by the tendency of the scribes under Grosseteste and during Gravesend's

¹⁴ Gross. LAO Roll IV m 5 (*recte* Grosseteste, 156/3), Gross. LAO Roll II m 8 (*recte* Grosseteste, 228/2); Gross. LAO Roll VII m 6 (*recte* Grosseteste, 379/2–4); Grosseteste, 75, 109–10, 201, 431–35, 438–40, 498. Of the eighteen orders to induct preserved in Henry de Lexington's roll, eleven are said to have been "demandated," five "mandated" (Grosseteste, 509–14).

¹⁵ Grosseteste, 123, 218, 224–25, 268, 295, 338, 353, 379, 435, 469. On one occasion the bishop was described as "scribens" (Grosseteste, 336). See also Henry de Lexington's rolls at Grosseteste, 512–13.

¹⁶ Graves. LAO Roll VIII mm 1, 4–9 (text for Gravesend, 236/9, 239/4–5, 10, 240/2, 9–10, 242/10, 243/3, 5, 9, 244/4, 246/6–7, 250/1, 6–8, 251/1–6, 252/1–3), Graves. LAO Roll VI mm 3–4, 6–9 (text for Gravesend, 216/2, 217/3, 8, 220/2, 12, 221/9, 12, 221/1, 222/8, 223/6, 224/6, 11, 225/5–11), Graves. LAO Roll IV mm 3–6, 8–12 (text for Gravesend, 142/12, 143/2, 8, 144/9–10, 145/4, 6–9, 11, 147/1–2, 148/3–4, 9, 150/5, 151/5, 152/8, 153/6, 154/2, 9–10, 12–13, 155/2, 156/1–2), Graves. LAO Roll V mm 2–3, 5–8 (text for Gravesend, 191/3, 7, 9, 193/5–6, 195/5, 8, 196/1, 6, 198/4, 199/9, 11–16, 200/1–3, 5–6), Graves. LAO Roll VII mm 2–3, 5–9 (text for Gravesend, 168/9, 169/9, 170/4–5, 172/7, 173/12, 174/7, 176/3, 177/9, 178/7–8, 179/3, 10, 180/1–4, 6–9), Graves. LAO Roll I mm 3, 5, 7, 9–23 (text for Gravesend, 6/8, 11/3, 15/8, 16/4–5, 18/3–4, 10–11, 19/6, 10–11, 20/4–5, 21/8, 22/3, 23/6, 28/4, 32/3, 33/3, 35/1, 36/9–10, 37/1–2, 38/10, 44/3, 46/1, 5–6, 49/3, 50/1, 52/3–4, 53/4, 54/9, 55/3, 56/5, 57/2–6, 58/2–8, 59/1, 3–10, 60/2–7), Graves. LAO Roll III mm 2–5 (text for Gravesend, 89/2, 90/1, 6, 92/8, 93/7, 94/2–3, and institution of *vicar* of Hibaldstow, omitted from Gravesend, 91), Graves. LAO Roll II mm 1, 3–13 (text for Gravesend, 99/11, 102/6, 8, 11, 103/4, 104/ 5–6, 106/1, 8, 107/1–2, 108/7, 109/4, 110/4, 111/2, 113/2, 114/3, 6, 116/6, 118/2, 119/4, 8, 120/2, 121/7–10, 122/2–4, 6–7, 123/1–4, 6, 124/1). A cursory examination of the institutions of John Dalderby (1300–1320) for the archdeaconries of Lincoln and Stow (LAO Episcopal Register II, fols. 1–101) suggested that this pattern continued throughout his episcopate.

earlier years to use “scriptum” where the installation or admittance of the head of a religious house is concerned. Such instances account for five out of the fourteen “scripta” to induct under Grosseteste, and more than half (71 out of 136) of the same in the first fifteen years of Gravesend’s episcopate. It is almost as though change in a restricted class of entries was necessary before formulaic innovation could be more broadly applied.¹⁷

Gravesend’s episcopate also saw the eclipse, in this case temporary, of the other term used by Hugh of Wells’s scribes in orders of induction. “Iniunctum” sometimes occurs in Gravesend’s rolls, but in 48 instances Gravesend’s scribes preferred to state instead that the order was “said” (“dictum est”) to its recipient. Of these, it might be noted, all but one are said explicitly to have been given to a recipient “(then) present.”¹⁸

Although “mandatum” and “iniunctum” were either wholly or only at times displaced by other terms under Hugh of Wells’s four immediate successors, these words retained the sense they had under Hugh to the end of the thirteenth century. Even though such descriptions had disappeared after Hugh’s early years, a mandate to induct was described by his successor’s scribe as having been made “litteratorie.”¹⁹ Hugh’s scribes were prone to describe persons enjoined to induct as “(then) present,” and this tradition was maintained as late as Sutton’s episcopate.²⁰ Only two of Hugh’s

¹⁷ One might in this context also note the frequent appearance of “mandans” in notes of installations in the registrations of collations to prebends. These records first appear in Lincoln in 1290, although they may have been enrolled earlier (LAO Episcopal Register I, fols. 353r–361v [text for Sutton 8:203–21] and *passim*). As has been seen, by 1273–74 “scriptum” had become firmly entrenched among the orders to induct to ordinary benefices.

¹⁸ Graves. LAO Roll I mm 5–7, 9–12, 17 (text for Gravesend, 10/3–9, 11/2, 12/12, 14/10, 15/2–7, 17/5, 18/6–7, 19/2, 19/4, 22/4–5, 22/8, 23/8, 45/10–12), Graves. LAO Roll II mm 4–5, 7 (text for Gravesend, 103/5, 104/7, 108/1–5), Graves. LAO Roll IV m 5 (text for Gravesend, 144/2–4), Graves. LAO Roll VII m 1 (text for Gravesend, 168/1), Graves. LAO Roll V mm 1, 4 (text for Gravesend, 191/4, 192/3), Graves. LAO Roll VI mm 5–6 (text for Gravesend, 218/12, 219/3, 219/5, 219/7–9, 220/10), Graves. LAO Roll VIII 3–4 (text for Gravesend, 238/2, 239/2, 239/6). For the injunctions in these rolls, see n. 20 below.

¹⁹ Grosseteste, 223.

²⁰ Of the thirty-six injunctions to induct under Grosseteste, twelve were made to persons specified as “(then) present” (Grosseteste, 43, 44, 49–50, 60, 99, 133, 142, 212–13, 270–71, 291, 313, 446, 454, 458, 468–69). See Gross. LAO Roll I mm 1, 5, 9 for text omitted from, and corrections to, Grosseteste, 42/2–5, 43/1–5, 44/2, 72/5; and see Gross. LAO Roll III m 1 for corrections to Grosseteste, 446/2–3. Two of the seven injunctions under Gravesend were similarly made (Graves. LAO Roll I mm 11, 13 [text for Gravesend, 22/6–7, 28/9], Graves. LAO Roll IV m 7 [text for Gravesend, 147/6–7], Graves. LAO Roll VII m 5 [text for Gravesend, 173/5], Graves. LAO Roll V m 8 [text for Gravesend, 200/4]). Moreover, two others were made to persons “oretenus . . . ibidem” or “ibidem . . . oretenus” (Graves. LAO Roll VIII m 10 [text for Gravesend, 251/9], Graves. LAO Roll VI m 9 [text for Gravesend, 226/1]). And finally, Sutton made four of his injunctions to induct to persons “then present” (Sut. LAO Roll V m 1 [text for Sutton 8:94/4], Sut. LAO Roll V m 4 [text for Sutton 8:104/2], LAO Episcopal Register I, fol. 285r [text for Sutton 8:55/4],

successors' orders to induct are clearly inconsistent with the rules that governed Hugh's orders. In two cases, or perhaps three, Grosseteste's scribes seem to have erred. They once list a mandate to induct made "archidiacono tunc presenti."²¹ At another point they state that "it was mandated and enjoined to (both) the said archdeacon and *officialis*" ("mandatum est et injunctum dictis Archidiacono et Officiali presentibus").²²

Indeed, the rhetoric of command illuminated by orders to induct saturates the prose of the rolls and register. This is brought home by the variety of the situations in which it is used. One may start with orders given to candidates on their institution. Under Hugh, commands given to persons on the occasion of their institution or to heads of religious houses on their confirmation are nearly always said to have been enjoined. Hence, for example, Hugh enjoined Walter de Dunigton, on his institution to Chelington, to frequent the schools and come to be ordained the next time orders were to be conferred.²³ Fewer such commands with a verb of command

Sut. LAO Roll I m 7 [text for Sutton 1:26/4]. One of these injunctions was also noted as having been made "viva voce" (Sut. LAO Roll V m 4 [text for Sutton 8:104/2]). The fifth and final injunction was also made "viva voce" (LAO Episcopal Register I, fol. 282v [text for Sutton 8:51/1]). None was unqualified.

²¹ Grosseteste, 150.

²² Grosseteste, 478/2. It may be, however, that Grosseteste's rolls were somewhat less carefully kept than those of the other bishops of Lincoln. Kathleen Major has observed that in his rolls "the lack of names of presentees . . . is noticeable" (Major, "*Familia* of Robert Grosseteste," 217). The scribes also appear to have neglected to mark year headings on three occasions, although one should note that two of these, for years four and five, are from the roll for Stow (Gross. LAO Roll IV). Stow was such a small archdeaconry that it was perfectly possible for no institutions to be made in that jurisdiction in the course of a year (e.g., Wells 1:218: "IN ANNO XIII^o NICHIL"). Still, Grosseteste's scribes were less careful here than they might have been, and simple error seems the likely explanation for their failure to note where the seventh year began on the roll for Buckingham (Gross. LAO Roll VII). Scribal error may explain what might be a third example which contradicts the usage proposed here: "mandatum est 7 7 iniunctum eidem archidiacono ut . . ." (Gross. LAO Roll I m 3 [correcting text of Grosseteste, 28/4]). If one supposes that the second "7" is the error and the remaining text is correct, then one has a third exception. One may equally suppose, however, that the second "7" indicates that the text is simply corrupt, and so too garbled to constitute effective evidence against the argument of this article. It is interesting to note that at Gross. LAO Roll I m 3, the scribe has taken the trouble to cancel "mandatum" in favor of "injunctum" (entry printed as altered at Grosseteste, 29/2).

²³ Wells 1:136; and see 1:14, 23–24, 35, 43–44, 49–50, 53, 73, 87, 90, 120–21, 135, 144, 146–47, 158, 160, 162, 165, 172, 197, 220–21, 223, 2:3, 7–8, 10–11, 14, 18, 28–29, 34–35, 41–43, 61, 67–68, 78, 80, 82, 90–91, 105, 112, 114, 119, 122–23, 132, 138, 141–43, 151, 155–57, 175–76, 178, 180–82, 278, 280, 282, 288, 290, 291, 294, 294–95, 299, 306, 314–15, 3:8, 34–35, 41–42, 46–47, 50, 100, 101–2, 117, 121–22, 126–27, 146, 175, 188, 191–93, 198–99, 205–7, 209, 211, 213, 216–17. Rather than use a verb of command, the scribes could simply state what the new incumbent *will* do (e.g., "veniet ad proximos ordines post Pasca ordinandus" [Wells 3:176]).

are recorded under Hugh's successors, but examples of injunctions in the context of institution or confirmation do survive for Grosseteste, Gravesend, and Sutton.²⁴

This usage also appears in other contexts. Nearly all of the bishops' rolls concern themselves with benefices—who held them and who presented to them. From none of the rolls can one expect to find much information on so spiritual a concern as penance. Yet what evidence there is suggests that the administration of penance, an intimate matter, was done by injunction.²⁵ Hugh of Wells released persons who would contribute to the repair of a bridge from seven days "of the penance enjoined to them" ("de iniuncta sibi penitentia"), and this formulation was standard among his successors.²⁶ Nor were all such cases quite so formulaic. A knight, so Sutton's register records, asked the bishop for "release from the public punishment enjoined . . . on account of a sacrilegious assault."²⁷

One of the duties of a person ordered to install the head of a religious house was to command the prelate's new subjects to obey their new superior.²⁸ The rolls of Hugh of Wells and Grosseteste, when dealing with installations of heads of religious houses, sometimes note that the person so ordered—who will, after all, be "on site"—is to "enjoin" that the community is to be obedient to the new prelate.²⁹ The records kept by

²⁴ Grosseteste 345, 402; Graves. LAO Roll I mm 1, 7, 13–14, 17 (text for Gravesend, 2/9, 17/4, 28/1, 35/8, 43/9, 45/8), Graves. LAO Roll II m 6 (text for Gravesend, 107/6); Sutton 2:25, Sut. LAO Roll III m 2 (text for Sutton 8:3/3).

²⁵ In an early instance Bishop Robert Chesney conceded an indulgence of twenty days from an "iniuncta . . . penitentia" (*English Episcopal Acta I [Lincoln 1064–1185]*, ed. David M. Smith [London, 1980], 145 [no. 231]).

²⁶ Wells 2:219. There is also another case at Wells 2:219. Robert Grosseteste's suffragan's *actum* also gave thirteen days' indulgence "de iniuncta sibi penitentia" to penitents who visited a newly consecrated altar in Lincoln cathedral (LAO Dii/77/1/10 [= LAO A/1/8, 54]). The same phrase occurs in an indulgence issued by Bishop Henry de Lexington in 1257 (*Registrum Antiquissimum* 2:121 [no. 406]). On several occasions Richard Gravesend's suffragans similarly issued to persons visiting or donating to newly consecrated churches or chapels indulgences "de iniuncta sibi penitentia" (*Cartulary of Oseney Abbey*, ed. H. E. Salter, Oxford Historical Society 89–91, 97–98, 101 [Oxford, 1929–36], 4:168, 201, 385 [nos. 129, 152, 344], 6:1 [no. 921]). Oliver Sutton's register deals with broader concerns and so provides more evidence regarding penance than do the rolls, and in so doing it records some variations of the formula. In 1292 Sutton informed Edward de Halecestr' that he was absolved "pro penitentia salutari . . . iniuncta" (Sutton 4:12–13). The same year Sutton dispensed another sinner from "iniuncta . . . pro culpe modo penitentia salutari" (Sutton 4:18; and see Sutton 3:13–14, 20, 22, 27, 40, 100–101, 4:40).

²⁷ ". . . mitigationem pene puppice . . . iniuncte pro invasione sacrilega" (Sutton 5:202).

²⁸ Since it appears to make no difference for present purposes, I have lumped together here heads who were merely put into possession with those who were installed.

²⁹ Wells 2:32, 163, 312; Grosseteste, 88, 97, 105, 111, 119, 121–23, 137, 381, 453.

Gravesend and Sutton do so regularly.³⁰ Subordinates could also use this language. During Gravesend's episcopate the archdeacon of Lincoln ordered the dean of Yarborough to install the new prioress of Nun Cotham and enjoin the nuns to be obedient.³¹

Nor are all the instances of injunction to obedience at the time of installation to be found in stereotyped notes at the end of an entry recording the confirmation of the new head. An *actum* of 1233 given at Tickford priory, regarding the confirmation of the new prior, states that the monks of the place have been enjoined to obedience.³² Naturally, there was nothing to stop the bishop from taking on the job of ordering such obedience himself, and an occasion on which Hugh of Wells did so is revealing. The bishop instituted Serlo de Burgo to be warden of the nuns of St. Michael's priory, Stamford, Serlo having been presented by the Abbot of Peterborough, to which St. Michael's was subject. The bishop enjoined the archdeacon of Lincoln, "present," to install Serlo, and it is noted that "it was mandated to the prioress and nuns there [i.e., at St. Michael's] that they wait upon and be obedient to him as their warden."³³ Similarly, Hugh instituted the new prior of Daventry while at Westminster. Obedience was thereupon "mandated" to the subprior and community. This institution is attested, and although some of the monks of Daventry appear among the attestors (as might be expected on such an occasion), the subprior does not. Apparently the subprior's absence meant that he could not have been enjoined,

³⁰ Graves. LAO Roll I m 1-2, 11, 13, 18-19, 22, 24 (text for Gravesend, 2/8, 4/11, 22/3, 27/13, 49/3, 52/3, 58/4, 60/2, 61/6, 63/6, 63/4), Graves. LAO Roll II mm 2-3, 5-10, 13-14, 16-18 (text for Gravesend, 92/8, 100/8, 102/6, 104/5, 106/8, 108/7, 110/4, 113/5, 114/3, 118/2, 122/2, 124/6, 10, 127/9, 128/4, 129/11, 132/6), Graves. LAO Roll IV mm 4, 9-11, 13-14 (text for Gravesend, 142/12, 148/3, 9, 149/4, 11, 151/5, 153/6, 158/1, 8, 159/1), Graves. LAO Roll VII mm 1, 3-4, 7, 9-10 (text for Gravesend, 167/6, 170/4, 172/7, 176/3, 180/2, 182/8), Graves. LAO Roll V mm 2-3, 5, 7-8 (text for Gravesend, 191/3, 9, 192/6, 196/6, 200/7-8), Graves. LAO Roll VI mm 3, 6-8, 10 (text for Gravesend, 216/12, 219/6, 220/7, 221/9, 15, 224/6, 226/3), Graves. LAO Roll VIII mm 5-6, 9, 11 (text for Gravesend, 240/10, 242/9, 243/9, 259/6-7, 250/1, 252/2, 253/1); Sutton 1:3, 35, 49-50, 61-63, 65-68, 70, 74, 82-85, 95, 97, 99, 109, 120-21, 125, 141-42, 149, 151-52, 161, 169-70, 180, 207-9, 211, 226, 228, 2:18, 20, 43, 55, 60, 62, 75-76, 82-83, 96, 99, 102, 117-19, 132, 143, 149, 154, 165; Sut. LAO Roll III m 1 (text for Sutton 8:3/2, 4/2), Sut. LAO Roll IV m 1 (text for Sutton 8:37/5, 42/2-3); LAO Episcopal Register I, fols. 280r-290r, 294v-297r, 305r, 308r, 313r, 329r, 331v, 339r, 341r, 342r (text for Sutton 8:46/3, 48/7, 49/5, 51/1, 53/1, 55/2, 58/5, 68/5, 70/4, 74/4, 77/1-2, 80/4-5, 108/7, 113/4, 114/1, 124/5, 162/1, 166, 170/2, 178/6, 180/3, 183/2, 184/4); Sut. LAO Roll V mm 2-4 (text for Sutton 8:98/2, 6, 102/1, 104/2).

³¹ Oxford, Bodleian Library Top. Linc. d.1, fol. 47v.

³² Wells 2:93.

³³ "Mandatum est Priorisse et monialibus ibidem ut eidem decetero tanquam custodi suo intendentes sint et obedientes" (Wells 3:173).

explaining the use of *mando* in this instance. It may be useful to note further that the mandate to obey was made not to “the subprior and monks,” a choice of words not beyond Hugh’s scribes in other situations, but to the “subprior and convent.”³⁴ The scribes were, as usual, precise in their vocabulary. Another interesting case is presented by the institution of the prior of St. Frideswide’s, at which it was enjoined to the subprior, then “present,” that he should in turn enjoin “viva voce” his convent to obey their new superior.³⁵ Gravesend’s rolls provide a later instance of the bishop himself enjoining obedience on the subordinates of a new head, when he instituted the prior of Nocton Park. The convent so enjoined was said to be “then present,” and the institution took place at Nocton itself.³⁶ Evidently, what mattered in choosing *mando* or *iniungo* in these situations was whether the person giving the command was present. Since this was usually done at the installation of the new head, such obedience was generally enjoined. The same could be said of induction to benefices, as when a canon of Dunstable received the care of the parish of Flitwick. The rolls state that the archdeacon of Bedford, who was to induct, was also to enjoin that the parishioners be obedient.³⁷

The rolls and register provide more miscellaneous evidence for the careful maintenance of a distinction between mandate and injunction—anecdotal instances which are useful because of the variety of contexts in which they occur. Grosseteste’s clerks “enjoined” certain persons not to reveal a decision which the clerks had made in the presence of the persons so enjoined (“coram prescriptis”).³⁸ Grosseteste himself conducted the inquiry into the vacancy of the vicarage of Milton Earnest (“the inquisition made in the same church by the whole deanery of Eaton, constituted there in the bishop’s presence”), and the bishop is said to have enjoined the dean of Eaton to induct the presentee.³⁹ If the institution was also made on the spot and if, as one might well expect, the dean was present at an inquiry held in his own chapter, one may count this as evidence for the thesis put forward here. One might similarly suppose that it was when the prior of Dunstable, on behalf of Bishop Gravesend, who was ill, investigated the resignation of the prioress of Ivingho that he enjoined the convent to choose a successor.⁴⁰ Clearer

³⁴ “Mandatum est etiam Suppriori et conventui” (Wells 2:163).

³⁵ Wells 2:30; and for an exactly analogous case, see Wells 2:40–41.

³⁶ Graves. LAO Roll I m 13 (text for Gravesend, 28/1).

³⁷ Graves. LAO Roll V m 5 (text for Gravesend, 193/7). See also the case at Graves. LAO Roll V m 3 (text for Gravesend, 191/7).

³⁸ Grosseteste, 281.

³⁹ “Facta in eadem ecclesia per totum decanatum de Eton’ ibi in presentia Domini Episcopi constitutum inquisitione” (Grosseteste, 313).

⁴⁰ Gravesend, 252.

is the occasion on which Bishop Sutton conducted a visitation of Tickford priory. The bishop enjoined the prior to summon absent, and so excommunicate, monks and made a further injunction regarding the matter to the local dean, “present.”⁴¹ In another instance Sutton noted that he had enjoined his sequestrator, who had been “personally present before us.”⁴² In his final year Sutton enjoined Walter de Kirmington, who had been in charge of a mad vicar, to observe him for any sign of a relapse. Walter is described as having been “present.”⁴³ The bishop also sent a letter mandating (“mandamus”) the abbot and convent of Wellow to enjoin (“injungens”) a canon visiting their house to go to Bourne.⁴⁴ A notary, who was present for the recitation of an appeal by Sutton against the court of Canterbury, was enjoined to reduce the proceedings to a formal instrument.⁴⁵

There were more neutral terms available to denote commands. The bishop could always—and occasionally did—use *praecipio*, a comparatively abstract verb without the connotations of *mando* or (as will be seen) evocative quality of *iniungo*.⁴⁶ A bishop could also employ *demando*, a similarly neutral term, to signify a command. As has been seen, the episcopal scribes favored “it was demanded” (“demandatum est”) for recording orders to induct during the first sixteen years of Gravesend’s episcopate, and they occasionally used the phrase under Grosseteste. That *demando* was neutral in Lincoln’s usage can be seen from Gravesend’s rolls. Some entries in these rolls are dated. In a number of cases, a recipient of an order to induct is noted as having been “written” to induct in an entry bearing the same date as another entry which states that the same recipient was “demanded” to induct. In such instances the person so “demanded” was, presumably, not present.⁴⁷ But

⁴¹ Sutton 3:7.

⁴² “Sequestratori . . . coram nobis personaliter constituto injunxissemus” (Sutton 5:48). For another person said by Sutton to be “coram nobis,” who received an injunction, see Sutton 6:127, 145.

⁴³ Sutton 6:191.

⁴⁴ Sutton 6:67; and similarly, see Sutton 6:32.

⁴⁵ Sutton 3:90.

⁴⁶ For Hugh of Wells, see Wells 1:134, 137, 164–65. Grosseteste’s letters use various forms of *praecipio* either to make a command or to describe one (e.g., Grosseteste, *Roberti Grosseteste episcopi quondam Lincolnensis Epistolae*, ed. Henry Richard Luard, Rolls Series 25 [London, 1861], 157–62, 229, 383, 408 [nos. 52, 72, 127]). For a note regarding Grosseteste’s letter collection, however, see n. 95 below. F. A. C. Mantello has argued persuasively that the letter printed as no. 130 in Grosseteste, *Epistolae*, is in fact a letter of Gravesend (F. A. C. Mantello, “Letter CXXX of Bishop Robert Grosseteste: A Problem of Attribution,” *Mediaeval Studies* 36 [1974]: 144–55). This letter uses “firmiter precipiendo mandamus” (ibid., 159, in Mantello’s new edition of this letter). Bishop Sutton could also do so, though not nearly so often as he mandated or enjoined (e.g., Sutton 3:30–31, 4:50).

⁴⁷ Thus the following pairs of entries: Gravesend, 146/5, 147/1 (text in Graves. LAO Roll IV m 7); Gravesend, 243/5, 7 (text in Graves. LAO Roll VIII m 7); Gravesend, 16/3–4

this does not mean that to be demandated meant not to be present (i.e., that *demandato* was a synonym for *mando*). On one occasion, a recipient was told ("dictum") to induct on the same day he was "demandated" to induct.⁴⁸ Stronger evidence comes from the notes in three entries that the person "demandated" to induct was "then present."⁴⁹ Evidently, the scribes at Lincoln felt that *demandato* could cover all situations. Here they seem to be in conflict with the standard glosses of medieval Latin, which provide *demandato* a sense fitting to a derivative of *mando*.⁵⁰ Yet, despite the availability of other terms such as *demandato* and *praecipio*, the bishops of Lincoln seem, overall, to have preferred *mando*, *iniungo*, and, later, *scribo*, from the early thirteenth century onward; they make up the bulk of the surviving descriptions of commands. The language of mandate and injunction was adopted by choice.

Certain mandates under Gravesend and Sutton are more problematic. In two cases where elections were examined by Gravesend's clerks at the bishop's mandate, the narratives which describe these procedures read as though the presentation of the elect, his examination, and his confirmation were done contiguously, though they do not necessarily require this interpretation. If these actions were taken one immediately after another, it is hard to see how the mandate was not given in person unless, perhaps, the bishop summoned clerks not present to examine the election.⁵¹

Turning to Sutton's episcopate, one finds that the bishop mandated ("mandans") Jocelyn de Kirmington to seal his will. Jocelyn's position in Sutton's household would seem to make this unlikely to have been an order sent over distance.⁵² In 1292 Sutton noted that he had given in mandates

(text in Graves. LAO Roll I m 7); Gravesend, 20/5-6 (text in Graves. LAO Roll I m 10); Gravesend, 49/3, 5 (text in Graves. LAO Roll I m 18).

⁴⁸ Graves. LAO Roll V m 4 (text for Gravesend, 192/3-4).

⁴⁹ Graves. LAO Roll I m 5 (text for Gravesend, 12/5), Graves. LAO Roll VI mm 7-8 (text for Gravesend, 221/3, 223/3).

⁵⁰ See *Dictionary of Medieval Latin from British Sources*, ed. R. E. Latham et al. (London, 1975-), s.v.; C. D. Ducange, *Glossarium mediae et infimae Latinitatis*, ed. G. A. L. Henschel (Paris, 1840-48), s.v.; J. F. Niermeyer, *Mediae Latinitatis lexicon-minus* (Leiden, 1976), s.v.

⁵¹ Gravesend, 65: The dean elect was presented, two witnesses examined on oath "de mandato" of the bishop, who was apprised of the results and confirmed the election ("facta super inventis dicto dom. episcopo relatione pleniori, idem predictam electionem confirmavit"). Graves. LAO Roll II m 12 (text for Gravesend, 122/1): the elect was presented to the bishop "et de mandato suo per clericos ipsius diligenter examinata quia idem episcopus invenit electionem ipsam de persona ydonea rite celebratam. . . ."

⁵² Sutton 3:103. For Jocelyn's membership in the household, see Sutton 3:xxvi. It may be that "mandans" here simply indicates that Jocelyn was not in the room. Evidently, by Sutton's time administrative pressures had led to a situation in which business could be carried on at the same site without the bishop's immediate supervision. In 1294 Jocelyn

("dedimus in mandatis") to John de Schalby and a rural dean to investigate the pollution of the churchyard of Langtoft by bloodshed, which "mandate" John and the dean had executed.⁵³ This is odd, since John was a member of the bishop's household and his registrar.⁵⁴ Perhaps "mandate" here was chosen to cover the dean. A clearer counterexample, one for which I have no explanation, is a document notarized by John de Anlaby. This John states that the deeds he notarized were done "in presencia mei" and that he drew up the document "de mandato episcopi." The instrument, an appeal against the court of Canterbury, is dated April 1291 and is presumably the one which Sutton "enjoined" John to draw up on 11 April 1291. John had witnessed the appeal on 11 April.⁵⁵ Some other apparant exceptions are in fact not so. These are letters which constitute Sutton's proctors apparently given to them as they left the household on his business. The letters are called mandates, but this appears to be a special case. The "mandatum" here appears to refer to the letter itself, which functions not to deliver a command to act as proctor but to convey the bearer's credentials to a distant authority.⁵⁶

Finally, it may be noted that "mandate" was a favorite verb of command in letters sent by the bishop, although, as will be seen, this use of words which transmitted orders via letter presents certain problems as evidence. Unfortunately, the focus of the rolls on matters of institution has meant that only what is presumably a small fraction of the letters sent by the bishops survives. The scribes at Lincoln noted whether orders to induct were made but did not transcribe letters which ordered induction, and the more miscellaneous endorsements of the rolls tend to consist of letters of

heard the complaint of the dean and chapter against the rector of Gosberton as the bishop's commissary. This was "apud Spaldewyk' ubi venerabilis pater dominus Oliverus dei gratia episcopus tunc erat" (LAO Dii/71/2/13).

⁵³ Sutton 4:27.

⁵⁴ Sutton 3:xxvi.

⁵⁵ The document concerned is LAO Dii/62/1/8. For the injunction, see Sutton 3:90.

⁵⁶ Hence Sutton 3:49 ("procuratorem nostrum constituimus . . . dantes eidem potestatem et speciale mandatum nomine nostro agendi . . ."), Sutton 3:78 ("potestatem [to appoint proctors] damus et mandatum concedimus speciale"), and Sutton 3:80 (the proctor is given power for "omnia alia faciendi que generale vel speciale mandatum requirunt"). All these letters bear a general address (i.e., "universis" or "universis et singulis"). Similar formulae are to be found in model letters from late thirteenth-century Canterbury (Johannes Bononiensis, "Summa notarie de hiis que in foro ecclesiastico coram quibuscumque iudicibus occurrunt notariis conscribenda," in *Briefsteller und Formelbücher des elften bis vierzehnten Jahrhunderts*, ed. Ludwig Rockinger, 2 vols. [Munich, 1863-64; rpt. New York, 1961], 2:618-19). See also *ibid.* 2:615, for such a mandate clearly given to a proctor in person ("fecit constituit et ordinavit magistrum Io de tali loco presentem et mandatum suscipientem generalem suum procuratorem").

institution, ordinations of vicarages, and licences for private chapels, none of which typically employ verbs of command.⁵⁷ Sutton's register, begun in 1290, provides the earliest surviving regular, although not necessarily comprehensive, verbatim record of letters issued by the bishop. This source makes the last nine years of that bishop's episcopate as rich in evidence as the previous four episcopates. Nevertheless, in the period 1209–99 all the bishops but Lexington used *mando* to transmit commands in their letters.⁵⁸ So too was *mando* employed in letters by the bishop's subordinates. Thus, John de Lyndsey, as Gravesend's *vice gerens*, mandated ("mandamus") the archdeacon of Lincoln to put Crowland Abbey in possession of the rectory of Whaplode.⁵⁹ The archdeacon of Bedford, also as Gravesend's vicar, apparently on his own authority sent a letter mandating a rural dean to install a new prioress of Nun Cotham.⁶⁰

At this point it becomes necessary to consider more precisely the distinction between mandate and injunction. In 1970 Dr. Smith, who, it should be said, aimed merely at a brief illustration of the large number of documents lost from Hugh of Wells's administration, concluded that the difference be-

⁵⁷ An exception at Lincoln is a short roll under Gravesend consisting of letters ordering inductions in the archdeaconry of Stow; printed in Gravesend, 347–53.

⁵⁸ Few administrative letters remain from Hugh of Wells's episcopate, but his rolls do preserve the texts of two letters which "mandated" the recipients to induct, and Dr. Smith has found the text of a third which does so as well (Wells 2:88, 146; Smith, "Administration" 2:248 [no. 222]). Hugh also issued a letter of institution for the prioress of Stamford addressed to the convent which "mandated" the recipients to obey their new head (*ibid.* 2:179 [no. 116]). Grosseteste's rolls are even less informative, but this lack is made up by the medieval collection of his letters and by a few stray survivals, some of which use *mando* to transmit a command (Grosseteste, *Epistolae*, 72, 146, 438 [nos. 21, 50, 129]). One letter which does so is preserved only in Matthew Paris' collection of illustrative documents, the "Additamenta" (Matthew Paris, *Chronica majora*, ed. Henry Richards Luard, 7 vols., Rolls Series 57 [London, 1872–83], 6:213–17 [no. 106]). For a problem of evidence Grosseteste's letter collection presents, see n. 95 below. Gravesend's rolls provide several letters ordering administrative action. Among them—this is actually on a slip attached to the roll—is a letter in which the bishop mandates ("mandamus") the archdeacon of Lincoln to induct the new parson of Fulletby (Gravesend, 68; and see *Registrum Antiquissimum* 3:335 [no. 1007]). Similarly, the rolls proper provide several letters from the bishop mandating induction (Gravesend, 76–7, 131, 203, 232; Graves. LAO Roll II m 7, 11 [text for Gravesend, 119/8], Graves. LAO Roll VIII m 8 [text for Gravesend, 248/5]). Moreover, a roll of highly abbreviated letters ordering induction from Gravesend's episcopate includes a dozen mandates ("mandamus"), the only verb of command to appear on the roll (Gravesend, 347–50). The survival of Bishop Sutton's register greatly multiplies the numbers of surviving letters by which the bishop communicated commands to his subordinates on a wide variety of business (Sutton 3:8, 12, 19, 27, 38, 39, 45, 79, 99, 108, 119–20, 133–34, 144, 150–51, 155, 164, 168, 172, 181, 4:7, 8, 24, and *passim*).

⁵⁹ Spalding Gentlemen's Society MS: The Crowland Cartulary, fol. 80v.

⁶⁰ Oxford, Bodleian Library Top. Linc. d.1, fol. 47v.

tween mandates and injunctions to induct was one between written orders (mandates) on the one hand, and oral orders (injunctions) on the other. Hence, *iniungo* and *mando* were chosen “depending upon particular circumstances—whether the responsible inducting officer was actually present at the time of institution and received his instructions to induct verbally or whether a written mandate was employed to convey the order.”⁶¹ Subsequent historiography might incline one to agree. In recent years the emergence of a written culture in the High Middle Ages and its (partial) displacement of attitudes and conceptions appropriate to an older, oral society have been favorite themes in the literature.⁶² M. T. Clanchy, specifically addressing English administration, has argued that writing constituted a new-fangled technology, especially for the purpose of recording transactions for posterity in the form of charters and enrolled and registered documents, and was greeted with distrust because of its novelty. It was only some time in the fourteenth century, Clanchy argues, that most people regarded the written word as providing an authority as reliable as—or even more reliable than—the spoken word.⁶³ On this basis, it would be natural to see the scribes’ careful distinction between mandate and injunction as a sign of a great divide between written and oral communication in diocesan administration, one which continued to exist at least to the end of the thirteenth century. To do so, however, would be to miss the primary nature of the difference between injunction and mandate—that between orders given face-to-face and those sent over distance.

On a few occasions the rolls state, as they never do about injunctions, that mandates were made through a third party, underlining the separation of the principles. These mandates raise the possibility that the messenger, who is named, did not carry a mere written message, for the carriers are not simply professional (and usually anonymous) couriers, of the likes of Bufetus, Hugh’s “nuncius,” but substantial men of administration. The fact that they are identified suggests that they bore oral messages, for which

⁶¹ Smith, “Administration” 1:11; and see also D. M. Smith, “Hugh’s Administration of the Diocese of Lincoln,” in *St. Hugh of Lincoln: Lectures Delivered at Oxford and Lincoln*, ed. H. Mayr-Harting (Oxford, 1987), 26. It should be noted that although there may be some reason to doubt Smith’s particular conclusion here, there is none to contest Smith’s general point, that the *acta* surviving from Hugh’s episcopate make up only a portion of what was actually produced (see Smith, “Rolls,” 172).

⁶² Brian Stock discusses these approaches in “Orality, Literacy, and the Sense of the Past,” in his *Listening for the Text: On the Uses of the Past* (Baltimore, 1990), 1–15. For an example, see his “Medieval Literacy, Linguistic Theory, and Social Organization,” *ibid.*, 30–51.

⁶³ M. T. Clanchy, *From Memory to Written Record, England, 1066–1307* (London, 1979), 231–57.

they were responsible.⁶⁴ Hence, the archdeacon of Lincoln was mandated to induct to a mediety of Navenby “by the dean of the city of Lincoln.”⁶⁵ Similarly, Grosseteste’s rolls note that the archdeacon of Leicester was mandated to induct the rector of Nether Broughton “by Master G., his *officialis*.”⁶⁶ A third instance moves the argument from possibility to certainty. In Hugh of Wells’s fifteenth year as bishop he instituted one Walter as vicar of All Saints, Hertford. The note of the order to induct states that “it was mandated to the said archdeacon by John, dean of Hertford, *viva voce*.”⁶⁷ Clearly the mandate was made through a third party, and apparently it was made orally. The two were not mutually exclusive. Rather, this mandate was an oral message delivered over distance, and that suggests that the presence or absence of the recipient, not the employment of a written rather than spoken mode of communication, made a mandate a mandate.

In the second half of the thirteenth century one finds some other instances of oral mandates. In 1293 Jocelyn de Kirmington excommunicated persons who had attacked the church of Thame, and did so “from the mandate of the lord bishop made by an authoritative utterance.”⁶⁸ Turning to the wider world, one finds that papal mandates could be made orally, such as the one regarding a canon of Lincoln’s dispute with the dean and chapter of Lincoln, in which one party acted by “the special mandate of the lord pope made by an authoritative utterance.”⁶⁹ And, if one is prepared to go far afield, one may observe that in Rome the papal penitentiary acted “from his [i.e., the pope’s] special mandate made to us by an authoritative utterance.”⁷⁰ One may gain some added confidence in this distinction between actions done with the parties face-to-face and oral transactions from an interesting document issued by the archdeacon of London in 1286. A proctor, so the archdeacon states, “read” (“legit”) a letter of resignation addressed to Bishop Sutton. This resignation is then described as “made

⁶⁴ It is worth noting that the historian knows Bufetus’s name only from Hugh’s will, where he receives a legacy (*Registrum Antiquissimum* 2:72 [no. 372]).

⁶⁵ “Per Decanum civitatis Lincolnie” (Wells 3:119).

⁶⁶ “Per magistrum G., officialem suum” (Gross. LAO Roll V m 4 [text for Grosseteste, 419/2]). See also the mandate “per . . . clericum meum” (Grosseteste, *Epistolae*, 253 [no. 80]). This mandate is not, however, a command (for such “weak” mandates, see below at nn. 93–101), and Grosseteste’s letter collection may present certain problems as evidence (see n. 95 below).

⁶⁷ “Mandatum est dicto Archidiacono per Johannem, decanum Hertford’, *viva voce*” (Wells 3:46).

⁶⁸ “De mandato domini episcopi vive vocis oraculo sibi facto” (Sutton 4:104). One should note, however, that Jocelyn was a member of the bishop’s household (see Sutton 3:xxvi); on this problem, see n. 52 above.

⁶⁹ “De speciali domini papae mandato vive vocis oraculo” (LAO Dii/66/2/62).

⁷⁰ “De ejus speciali mandato vive vocis oraculo nobis facto” (Sutton 3:17).

publicly and solemnly by an authoritative utterance.”⁷¹ Thus, this “oraculum” was made in the presence of the hearer and yet, in a sense, made over distance. One may further recall that injunctions, when their manner of delivery was described, were generally said to have been given to persons “(then) present,” rather than “viva voce.”

Indeed, modern philological authorities provide senses of *mando* which stress the fact of distance between sender and recipient rather than writing. *Mando* derives, as one might suppose, from *manus* and *do*, and in classical Latin refers to a handing over or consignment, as well as to an order or command. The notion of consignment, which is extended to committing to writing, memory, or some object, in particular brings to mind the written mandates of diocesan administration.⁷²

Similarly, one should take seriously the weak sense of *mando* which emerges from modern glosses, meaning “to send” or “to inform” more than “to command.”⁷³ There are a few instances in the material at Lincoln where the person who mandates is clearly not giving an order. Thus, Bishop Grosseteste wrote a letter to Hugh de Patteshull in the following terms: “I warn, I mandate, I exhort, I beseech” Hugh not to take a greater benefice when Hugh could not adequately care for a lesser one; it is difficult to see this as an order since, as Grosseteste notes, while divine law might prohibit Hugh from accepting the new benefice, canon law did not.⁷⁴ Similarly, the

⁷¹ “Vive voce oraculo publice et sollempniter facta” (London, British Library Add. 35296, fol. 345v).

⁷² *Oxford Latin Dictionary* (Oxford, 1982), s.v. *mando*; and s.v. *mandatum*, which also referred to a specific type of contract. This appears to bear no relation to the senses outlined here. The sense of distance between sender and recipient speaks more clearly in Niermeyer’s *Lexicon* of medieval Latin, where “mandare” is defined as, among other things, to send, despatch, send a greeting, send a message and, lastly, to empower (s.v.). Ducange leaves the notion of distance unclear and, indeed, significantly undermines the sense of command as well, stating, “mandare, idem est quod rogare. Aliud est enim cum papa mandat, aliud cum præcepit; licet interdum præcipiatur per verbum Mandat” (Ducange, s.v. *mandare*). “Submonere, citare,” another sense provided by Ducange, seems to have less to do with the usage discussed here, but Ducange does permit “mittere” and “nuntium perferre” as substitutes for “mandare.” The substantive “mandatum,” glossed by Ducange as “rumor, nuntii, litterae rem aliquam enarrantes,” is more suggestive of the use at Lincoln, although Ducange appears to give special emphasis to written “mandata” (ibid.).

⁷³ See in particular Ducange in the above note.

⁷⁴ “Moneo, mando, exhortor, et obsecro” (Grosseteste, *Epistolae*, 98 [no. 25]). See, however, the comment below, n. 95, regarding Grosseteste’s letter collection. Sir Richard Southern’s conclusions regarding Grosseteste’s view of the relationship between gospel and canon law may undermine the point here, but only if Grosseteste was acting as Hugh’s diocesan (R. W. Southern, *Robert Grosseteste: The Growth of an English Mind in Medieval Europe* [Oxford, 1986], 263–64). A rather different position on Grosseteste’s attitude toward papal authority, one which places his thought entirely within the context of the canon law, is taken by Brian Tierney (“Grosseteste and the Theory of Papal Sovereignty,” *The Journal of Ecclesiastical*

same bishop, referring to a letter in which he exhorted a royal judge to persuade the king to apply canonical notions regarding bastardy in the royal courts, refers to an earlier urging to the same course as "I have mandated to you."⁷⁵ An even clearer instance presents itself when Grosseteste wrote to his proctor at Rome that just as he had "mandated" to the proctor through his clerk, he has suspended certain members of the chapter of Lincoln from entering church.⁷⁶ In this context, it is worth noting a late twelfth-century letter of an archdeacon of Huntingdon in which he "mandates" his fellow papal judges-delegate to proceed without him.⁷⁷ By what authority the archdeacon would have commanded such a thing is unclear. Presumably this should be treated as a request, one sent over distance.⁷⁸ Indeed, it seems not unreasonable to conclude that "mandare" should be rendered primarily as "to send," rather than "to command," and maintain that context provided "mandare" its more imperative sense. Thus, if the bishop sent to one to do a thing and that thing was something which the bishop had the authority to order one to do, one understood a command. Institutional context made a sending an order. Thus, when Hugh of Wells ordered the archdeacon of Leicester to put into possession the new rector of Little Dalby, and to see to it that the rector ceased to keep a concubine, Hugh "signified" this to the archdeacon ("significatum est Archidiacono Leicestriensi . . .").⁷⁹ One

History 6 [1955]: 9–17). Crucial to the difference between these two historians is the problem of Grosseteste's ideas about the source of episcopal authority (Southern, *Robert Grosseteste*, 263 and n. 33; Tierney, "Grosseteste," 2 and n. 1). Yet another position on this is taken by Kenneth Pennington (*Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* [Philadelphia, 1984], 132, 193), which appears, however, to be somewhat closer to Southern's view than Tierney's. The line of argument advanced by William Abel Pantin ("Grosseteste's Relations with the Papacy and the Crown," in *Robert Grosseteste, Scholar and Bishop*, 190) is close to that in Tierney, "Grosseteste," 9–10.

⁷⁵ "Tibi mandavi" (Grosseteste, *Epistolae*, 95 [no. 24, referring to no. 23]).

⁷⁶ "Sicut tibi mandavi per W. de Hemmyngburge clericum meum" (Grosseteste, *Epistolae*, 253 [no. 80]).

⁷⁷ C. R. Cheney, who edited this letter, dates it to 1192–99. (C. R. Cheney, *Harrold Priory: A Twelfth-Century Dispute*, The Publications of the Bedfordshire Historical Record Society 32 [Streatley, near Luton, 1952], 15 [no. 5].)

⁷⁸ So strongly ingrained among modern scholars is the habit of rendering "mandare" as "to command" that the most recent editor of the verse life of St. Hugh alters "mandantis," present in both extant manuscripts, in "Hic torrens famae mandantis inebriat aures / Anglorum regis Henrici" to "manantis," on the grounds that "*mandantis*, 'commanding' . . . is awkward and implausible" (*The Metrical Life of Saint Hugh of Lincoln*, ed. Charles Garton [Lincoln, 1986], 28–30, ll. 405–6, and 89, note to these lines). "Manantis" may better fit the meter, but sense does not provide a basis for its preference.

⁷⁹ Wells 1:87–88. Hugh could reply to what was presumably seen by the king's justices as a command to Hugh to inquire into the validity of a marriage that he had done as the king had signified ("significastis," Wells 2:204). In a weaker tone, Hugh signified ("significamus") the results. See also LAO Episcopal Register I, fol. 356v (text for Sutton 8:209/3).

doubts whether the bishop, his scribes, or the archdeacon, did not see an order clearly implied. Indeed, it has been observed that “volo” and “volumus” dropped out of private charters when rights ceased to depend on the mere “voluntas” of the lord but instead depended on the king’s courts.⁸⁰ In the same way, a clear context which clearly gave a message authority meant that it did not have to be expressed as an order but could be expressed more laconically—as a “sending,” something which requires distance rather than writing.⁸¹

It should be stated, however, that although the dichotomy of present/absent is and was separable from oral/written, the two were nonetheless closely aligned. In this regard, one should note an occasion on which Bishop Sutton stated that if his sequestrator could not perform a certain task in person, he should have the rural dean do it. The way Sutton expressed the sequestrator’s putative personal action, however, was to say that it was to be done “viva voce”—not “personally” (*personaliter*), the usual term in these situations.⁸²

As with mandates, there are some injunctions—a small portion of the total—that do not appear to fit the rules. Before proceeding, one should note that portions of letters which describe commands appear to be somewhat less formulaic than those which *transmit* commands. The former read more like the memoranda on which most of this essay relies, and so can provide some indication of the use of the scribes, uninfluenced (or at least less influenced) by epistolary models. Such “objective” portions of letters may—although they in fact do so in only one case—provide evidence which runs against the argument made here. Only Gravesend’s and Sutton’s episcopates are marked by anomalous “injunctions” that do not occur as commands transmitted in episcopal letters or describe such commands—a class of exceptional injunctions with which will be dealt with last. A

⁸⁰ Keith Stringer, “The Charters of David, Earl of Huntingdon and Lord of Garioch: A Study in Anglo-Scottish Diplomatic,” in *Essays on the Nobility of Medieval Scotland* (Edinburgh, 1985), 87. This assumes, of course, that free tenures were very flexible (a rather Milsomian view of seigneurial rights) in the early and mid-twelfth century.

⁸¹ Indeed, one can see the importance of context for the authority of terms in an episode recounted by Matthew Paris. The king, according to Matthew, asked Matthew to write an account of certain events that Matthew had witnessed, saying, “I beg and by begging I command” (“Supplico igitur et supplicando praecipio,” Matthew Paris, *Chronica majora* 4:644). Richard Vaughan renders this interesting passage as “I entreat” (Richard Vaughan, *Matthew Paris* [Cambridge, 1958], 3).

⁸² Sutton 3:187. For “personaliter,” see, e.g., Sutton 5:115. For an interesting, although occasionally sibylline, discussion of the link between oral communication and physical presence, see Paul Zumthor, “The Text and the Voice,” *New Literary History* 16 (1984–85): 73–76.

memorandum of 1275 states that Gravesend enjoined in a letter patent the brothers and other ministers of Stonely priory to obey their new prior.⁸³ This reading, however, already has one scribal infelicity, for it requires the said (singular) "litteram . . . patentem" to agree in number with (the plural) "quibus," if the passage is to make any sense. Presumably the scribe was having a bad moment. Another possible exception to the rule is presented by a letter Sutton addressed to the prioress and convent of Stixwould regarding "those things which we have enjoined in our visits made among you on earlier occasions either 'viva voce' or by letter or in general or in particular."⁸⁴ It is conceivable that the writing here refers to the practice of codifying a bishop's orders at or following the visitation of a house, rather than to injunctions sent to the house via letter.⁸⁵ One should always be loath to resort to scribal error pure and simple as an explanation, but a scribal mistake seems to be the only explanation in a few cases. A clerical error is the only way to account for a case like that of the priory of Bradley. When the prior of Bradley died and the patron presented Brother Walter to the bishop as the new prior, the bishop wanted to know whether there had been an election, and so he mandated to the canons of Bradley, then two in number, that they should come to him and show him instruments regarding the patron's rights and the canons' rights of free election. Thus far, all is in order; but according to the register, Brother Walter—nothing is said of his fellow canon—came to the bishop, exhibited the documents, and "it was enjoined to the said canons that they should proceed to an election."⁸⁶ This implies that the bishop enjoined Brother Walter, who was not present before him, contrary to the rules proposed here. The account proceeds, "then the said Brother Walter and his fellow canon Brother Hugh came to the bishop," and wound up the business.⁸⁷ Perhaps the scribe had in mind the second visit—by both canons—when he wrote that the canons were enjoined on the first visit, that of Brother Walter. Three other cases seem even less explicable.⁸⁸

⁸³ "Super quo habuit litteram . . . patentem, in quibus injunxit" (Gravesend, 183). "Litteras patentes" would be the usual form, which may explain "quibus," but Graves. LAO Roll VIII d clearly confirms the edition's reading.

⁸⁴ "Ea que in visitationibus nostris inter vos factis temporibus retroactis sive viva voce sive litteratorie sive in genere sive in speciali vobis injunximus" (Sutton 5:200).

⁸⁵ C. R. Cheney, *Episcopal Visitation of Monasteries in the Thirteenth Century*, 2d ed. (Manchester, 1983), 96–99.

⁸⁶ "Injunctum fuit dictis canonicis quod procederent ad electionem" (Sutton 8:46; emphasis mine).

⁸⁷ "Deinde dictus frater Walterus et frater Hugo concanonicus suus ad episcopum . . . accesserunt" (Sutton 8:47).

⁸⁸ On one occasion the scribes state that the bishop was "enjoined" by the papal

The major exception to the rule concerning injunctions, however, occurs in the commands transmitted by episcopal letters.⁸⁹ A stock formula in thirteenth-century ecclesiastical letters, including those of the bishops of Lincoln, is “we mandate by firmly enjoining” or “we mandate, firmly enjoining” (“mandamus firmiter injungendo” or “mandamus firmiter injungentes”). This formula first clearly occurs at Lincoln in a letter of Hugh of Wells datable to 1231 or 1232,⁹⁰ and further instances can be found among the letters of Grosseteste, Henry de Lexington, Gravesend, and—in much larger numbers because of the register which preserves his letters—Sutton.⁹¹ The language is immediately recognizable; it is the language of royal letters. The first clear royal use of “mandamus firmiter injungentes” I have been able to find is from 1216.⁹² In the thirteenth century it appears to have become generally established in English episcopal letters.⁹³

It is, thus, presumably from outside authorities that the use of forms of *iniungo* invaded the style of episcopal letters at Lincoln. For writing letters in the thirteenth century was, of course, no ordinary matter. Its theory had long been explicated in treatises on the *ars dictaminis*. Writing a letter which worked, which was correct, was important, as medieval letter books

penitentiary, when this clearly could not have been done in person (Sutton 3:125–26). On another Sutton speaks of a “mandatum . . . injunctum” upon certain chaplains (Sutton 4:117). Lastly, in a letter Sutton said that he desired to do “ea que nobis a nostris superioribus injunguntur” (Sutton 6:20). His superior probably was meant to include the pope, whom Sutton had never met.

⁸⁹ Giles Constable has noted that “the serious study of letters . . . as a type of historical source is one of the least developed branches of medieval historiography” (Giles Constable, *Letters and Letter-Collections*, Typologie des sources du moyen âge occidental 17 [Turnhout, 1976], 7). In few cases is this more true than in that of thirteenth-century English letters.

⁹⁰ Wells 2:88. See also Wells 2:208: “mandantes et firmiter injungentes” (1224).

⁹¹ Matthew Paris, *Chronica majora* 6:213–17, 314–15 (nos. 106, 154); *Registrum Antiquissimum* 1:257 (no. 296); Sutton 1:109, 144, 149, 3:18, 22, 26, 27, 30, 32, 33, 36, 46, 50, 62, 65, 69, 72, 77, 99, 102, 107, 110, 112, 122, 124, 137, 140, 148, 149, 153, 160, 164, 172, 174, 177, 4:4, 6, 8, 9, 10, 15, 20, 21, 32, 35, 37, 40, 42, and passim.

⁹² *Rotuli Litterarum Patentium in Turri Londiniensi Asservati (1201–16)*, ed. T. D. Hardy (London, 1835), 174. It was still in use in royal letters in the fourteenth century (e.g., *Registrum Hamonis Hethe, diocesis Roffensis, A.D. 1319–1352*, ed. Charles Johnson, 2 vols., The Canterbury and York Society 48–49 [Oxford, (1914–)1948], 2:643, 698, 768).

⁹³ E.g., *Registrum Ricardi de Swinfield, episcopi Herefordensis, A.D. MCCLXXXIII–MCCCXVII*, ed. William W. Capes, The Canterbury and York Society 6 (London, 1909), 2; *The Register of John Pecham, Archbishop of Canterbury, 1279–1292*, ed. F. N. Davis and Decima L. Douie, 2 vols., The Canterbury and York Society 64–65 (Torquay, [1908–]1969), 1:15; *The Register, or Rolls, of Walter Gray*, pt. 2, no. 187. For the early thirteenth century, see (ca. 1207–28) “exoramus nichilominus in virtute obedientie injungentes” (*Acta Stephani Langton Cantuariensis Archiepiscopi, A.D. 1207–1228*, ed. Kathleen Major, The Canterbury and York Society 50 [Oxford, 1950], 9 [no. 3]; and see 64, 102, 170 [nos. 48, 83, 142]).

show. Indeed, the form letters of the Middle Ages covered not only affairs of business and government, but more personal matters as well—a student begging money from his parents or a farewell to secular friends on entering religion.⁹⁴ But although composing letters may have been an art, most of those who had to draft them were not artists. One hears little of the likes of a Peter of Blois or a John of Salisbury drafting episcopal letters in the thirteenth century. It is thus not entirely surprising to find the bishop's scribes following the formulae of others—formulae which in this case had the further advantage of fitting the *cursus*⁹⁵—in composing episcopal letters.⁹⁶ Indeed, other formulae used in letters of the bishops of Lincoln, such as “firmiter injungendo praecipimus,” can also be paired with royal formulae.⁹⁷ The use of “iniungimus” alone, outside of any clear formula, is to be found only in Sutton's letters, and even there it is found comparatively rarely.⁹⁸ This development suggests that by the late thirteenth century the scribes at Lincoln had sufficiently absorbed outside forms to modify them, and this may explain a few other anomalies in which the bishop sends letters to certain persons

⁹⁴ These two examples are drawn from *Formularies Which Bear on the History of Oxford, c. 1204–1420*, ed. H. E. Salter, W. A. Pantin, and H. G. Richardson, 2 vols., Oxford Historical Society, n.s., 4–5 (Oxford, 1942), 2:347.

⁹⁵ It should be noted that nearly all the cases cited here conform to the rules of the *cursus* as used in the papal chancery of the twelfth and thirteenth centuries. The *cursus* is explicated in Albert C. Clark, *The Cursus in Mediaeval and Vulgar Latin* (Oxford, 1910), esp. 14–15, 18–19. Some of the instances discussed here are from Grosseteste's letter collection, which one reader has found “often shockingly unrhythmical” (N. Denholm-Young, “The *Cursus* in England,” in *Collected papers of N. Denholm-Young* [Cardiff, 1969], 56). In general, evidence taken from this collection should be handled with some reservation. Many or most of the letters are clearly not chancery products, but were Grosseteste's own. Even given this observation, of course, evidence from this source may still serve to illuminate the more general practice, though not specifically Lincoln chancery practice.

⁹⁶ This is not to say that bishops' clerks did not make these formulae their own. At some point what began as an external model presumably became internalized.

⁹⁷ Grosseteste, *Epistolae*, 73 (no. 22), although this would seem to be Grosseteste's own composition. Compare this with *Close Rolls of the Reign of Henry III (1227–72)*, 14 vols. (London, 1902–38), 14:97, 116, 161, 365, 377, 394, 504, 518, 535.

⁹⁸ E.g., Sutton 4:53, 123, 5:92, 47, 200. Sutton's register also contains variations such as “duximus deputandum, tibi in virtute obediencie injungentes” (Sutton 5:32) and others, all of them employing “firmiter” at least (Sutton 6:57, 67, 125, 151–52; LAO Episcopal Register I, fols. 127v, 157v [text for Sutton 5:98/8, 211/6]). The only earlier examples of “iniungimus” in a thirteenth-century bishop of Lincoln's letters are both fairly formulaic. One is a rather interesting letter of Gravesend addressed to the archdeacon of Oxford: “Hoc idem offic[iali] & decanis uestreis qui presentes fuerint in uirtute obediencie iniungimus et mandamus” (*Cartulary of Oseney Abbey* 3:83 [no. 1262]). One wonders whether the talk of the *officialis* and deans who would be present made “iniungimus” seem attractive, and even here the injunction is made “in virtute obediencie,” showing the clear influence of epistolary formulae. The other instance is in a letter of William of Blois, before the usage discussed here is even attested (see the Appendix to this article).

by which they are enjoined (“tenore presentium injungentes”) to obey a new superior.⁹⁹

The use of “mandamus firmiter injungentes” probably accounts for two anomalous “injunctions” slipping into the scribes’ prose. On one occasion Sutton’s scribes state that the bishop “scripsit firmiter injungendo,” and on another the bishop states in a letter, “Scripsimus . . . firmiter injungentes.”¹⁰⁰ These instances are apparently notices—perhaps made with little thought—of the formulae the bishop used in the letters themselves.

Was the rhetoric of command used by the scribes at Lincoln also used in other chanceries? I can attempt only a partial answer. *Mando* was probably very generally held to refer to orders sent over distance. What modern glosses have to say about *mando* has already been discussed. *Mando* was often used in twelfth-century royal letters.¹⁰¹ Moreover, in Henry III’s close and patent rolls, in place of the text of a letter there is often a statement that “it was mandated” (“mandatum est”) to a recipient to do something, and this is concluded with “teste” followed by a name, implying the sending of a writ.¹⁰² Indeed, papal letters seem to stress mandates sent over distance, for the pope commonly mandates “per apostolica scripta” or mandates “per apostolica scripta precipiendo.”¹⁰³ In one of John’s letters a “mandate”

⁹⁹ Sutton 4:102; LAO Episcopal Register I, fols. 97v, 115r, 141v (text for Sutton 4:179/1, 5:51/2, 155/3). The last of these lacks the phrase “tenore presentium.”

¹⁰⁰ Sutton 4:55, 6:33.

¹⁰¹ See *Regesta Regum Anglo-Normannorum, 1066–1154*, ed. H. W. C. Davis et al., 4 vols. (Oxford, 1913–69), 2:314 and passim, for Henry I’s reign; *ibid.* 3:2, 9 (nos. 6, 25), and passim, for Stephen’s reign; and *Recueil des actes de Henri II roi d’Angleterre et duc de Normandie concernant les provinces françaises et les affaires de France*, ed. Léopold Delisle and Élie Berger, intro. and 3 vols. (Paris, 1909–27), 2:221, 230 (nos. 612, 619), for Henry II’s reign. For some mid-twelfth century comital examples, see *Earldom of Gloucester Charters*, ed. Robert B. Patterson (Oxford, 1973), 21 n. 7. One narrative of a suit heard by Stephen is suggestive: “Tunc rex viva voce Andr(ee) justiciar(io) suo et ceterisque burgensibus qui ibi aderant precepit, ipsis etiam ceterisque per breve suum mandavit” (*Regesta Regum Anglo-Normannorum* 3:189 [no. 506]).

¹⁰² E.g., *Close Rolls of the Reign of Henry III* 14:2; *Patent Rolls of the Reign Henry III*, 2 vols. (London, 1901–3), 1:297.

¹⁰³ *Papsturkunden in England*, ed. Walther Holtzmann, 3 vols. (Berlin and Göttingen, 1930–52), vol. 1, nos. 60, 83, 84, and passim; *Die Register Innocenz’ III*, ed. Othmar Hege- neder, Anton Haidacher, et al. (Graz 1964, Rome and Vienna, 1979), 2:19, 37 (nos. 11, 26), and passim, for both formulae; *Les Registres de Grégoire IX*, vol. 1, ed. Lucien Auvray (Paris, 1896), 8–9 (nos. 10, 13) and passim, for both formulae. “Mandamus” and “mandantes” are nearly invariably accompanied by “per apostolica scripta” in a formulary used by the papal chancery in the thirteenth century. Moreover, “per apostolica scripta” always occurs with a form of *mando* in this source, printed in Michael Tangl, *Die päpstlichen Kanzlei- ordnungen von 1200–1500* (Innsbruck, 1894), chap. 4, nos. 1–101. For these instances, see *ibid.*, nos. 13, 28–34, 36–38, 41–48, 50, 57–58, 60–1, 66–67, 74, 76, 89, 95, 101, and for the date of the formulary, *ibid.*, 228. One may also note an instance of 1262 when a sheriff called a royal writ, in which the word used to convey the command was “precipimus,” a “mandatum” (*Cartulary of Oseney Abbey* 4:381 [no. 340]).

clearly was carried by the person who bears a letter (i.e., the mandate was an oral one, and the letter functioned as the carrier's credentials).¹⁰⁴ More literary sources also seem to imply that *mando* refers to orders sent over distance. In his *Chronica majora*, Matthew Paris uses *mando* frequently, and in a number of cases he makes plain that the order was sent over distance. Thus, for example, Henry III "mandates . . . strictly ordering by royal letters" that those who owed military service should gather to invade Wales.¹⁰⁵ An incident where Henry, on the continent, ordered the "custos" of the realm to confiscate the property of certain nobles is described in the chapter heading as "mandatum indecens."¹⁰⁶ Moreover, for Matthew mandates could be oral as well. On one occasion, the king sent a proxy to his council, who began his speech, according to Matthew, "the lord king mandates to you. . . ."¹⁰⁷ There are no cases in the *Chronica* where *mando* is used when the parties concerned are clearly face-to-face.¹⁰⁸ The Dunstable Annalist also provides several examples of mandates done by letter or writ.¹⁰⁹

In addition, the king's correspondence made use of what were clearly "weak" mandates. Hence, royal writs speak of sheriffs having mandated back to the king ("mandasti").¹¹⁰ A royal letter of 1225 states that the king expects his envoys for negotiating a peace with the king of France, to whom he enjoined instructions, to send him ("nobis mandent") information.¹¹¹

¹⁰⁴ "Mittimus ad vos autem Petrum Andr' et Bernardum Bruter' per quos vobis secreta verba mandamus . . . de hiis quod ipsi vobis ex parte nostra dixerint" (*Rotuli Litterarum Patentium*, 53). See also the king's letter to his brother's widow: "ipsum autem ad vos remittimus mandantes per eum et per litteras nostras" (*ibid.*, 68).

¹⁰⁵ "Mandat . . . praeciptions districte per literas regales" (Matthew Paris, *Chronica majora* 4:149).

¹⁰⁶ *Ibid.* 4:230.

¹⁰⁷ "Mandat vobis dominus rex" (*ibid.* 3:380). The part of the *Chronica* taken from Wendover contains a mandate which may have been no more than an oral message. Some enemies of the Earl Marshall "miserunt ad Marescallum viros Templarios, mandantes" that the Earl should act against the king. This was a design to entrap the earl who could then be open to royal prosecution (*ibid.* 3:274). It is hard to see in this a command, and it seems doubtful that a message so potentially damaging to the senders would have been committed to writing.

¹⁰⁸ Matthew, however, quotes *in extenso* the legate Otho's enunciation of the Benedictine statutes in his church council of 1238 in which Otho "mandates" the statutes, presumably to his listeners (*ibid.* 3:502, 504, 510, 516). These are not, of course, Matthew's own words, but Otho's. Perhaps the legate had in mind the council's role as a means of transmission to all the black monks of England.

¹⁰⁹ *Annales Monastici*, ed. Henry Richards Luard, 5 vols., Rolls Series 36 (London, 1864-69), 3:190, 214, 224, 271-72, 306.

¹¹⁰ The register's editors translate this as "you have reported" or "you have returned" ("A Register of the Judicial Writs 'J,'" nos. 5-6, 8-9, 15, 17, 19, 22, 87, 99; and see also no. 41 [printed in *Early Registers of Writs*, ed. Elsa de Haas and G. D. G. Hall, The Publications of the Selden Society 87 (London, 1970), 312-34]).

¹¹¹ *Patent Rolls of the Reign of Henry III* 1:552. See also John to Richard I's widow: "mandantes . . . si vobis placuerit veniat" (*Rotuli Litterarum Patentium*, 68).

Another letter of 1230 perhaps marks *the* ambiguity of *mando*. The king “mandates” the count of Brittany, who is also the king’s vassal, “asking” the count to pay John de Arras 100 marks which the king owes John, and promises that the king will repay the count on his return to England.¹¹² The Dunstable annalist similarly uses *mando* in a weak sense. Thus, he says that Henry III mandated (“mandavit”) to his uncle, the Emperor Baldwin, that he should come to Henry “like an uncle to a nephew,” to be honorably received.¹¹³ When the king sent to his barons to come to have a parliament in the Tower of London, they informed him (“renuerant, mandantes”) that, if it would please the king, they would come to Westminster, where they were accustomed to hold parliament, a reply which, not surprisingly, led to dissension.¹¹⁴

Iniungo, on the other hand, may have been less clearly associated with personally given orders than *mando* was with orders sent over distance. The situation is, on the whole, ambiguous, although one may tentatively conclude that for the king’s chancery *iniungo* was associated with personal commands. This appears from what I have called “objective” reports of injunctions in royal letters—i.e., cases where a royal letter states that an injunction has taken or will take place but does not itself transmit an injunction. One may also consider such instances in memoranda closely modelled on letters. These objective reports appear less bound by formulae than the portions of letters which transmit commands. I have found several cases in the thirteenth century—all but one dated 1227 or later—where the king states in letters or in memoranda clearly based on letters that he has enjoined orally, as well as one instance in which the king orders a sheriff to go “in propria persona” to the incumbent of a church and enjoin him.¹¹⁵ Such evidence of a royal usage to match that at Lincoln is tantalizing. Furthermore, the first “objective” injunctions in the close rolls of Henry III

¹¹² “Mandamus vobis rogantes” (*Patent Rolls of the Reign of Henry III* 2:405).

¹¹³ “Tanquam avunculus ad nepotem” (*Annales Monastici* 3:95).

¹¹⁴ *Annales Monastici* 3:217. “Baldwin” turned out to be an imposter and was executed.

¹¹⁵ *Rotuli Litterarum Patentium*, 12; *Close Rolls of the Reign of Henry III* 1:13, 54, 588, 2:277–78, 445, 14:54. I have found no instances of *iniungo* as a verb of command in the *acta* issued by Stephen (*Regesta Regum Anglo-Normannorum*, vol. 3, *passim*), or in Henry II’s *acta* concerning France collected by Léopold Delisle and Élie Berger (see Delisle’s remarks, *Recueil des actes de Henri II roi d’Angleterre et duc de Normandie*, intro., 164, and those of H. A. Cronne, in *Regesta Regum Anglo-Normannorum* 4:15–17). In both cases, “mando et precipio” and “volo” are the preferred formulae. Unfortunately, there is no collection of Richard I’s *acta* which permits a diplomatic study, but one may note that R. C. Van Caenegem gives no instances of *iniungo* used in any form in twelfth-century royal writs (R. C. Van Caenegem, *Royal Writs in England from the Conquest to Glanville*, The Publications of the Selden Society 77 [London, 1959], 147–48, 162).

come in the middle of 1224.¹¹⁶ Henry, still in his minority, took a more active part in government from December 1223, and so it is natural that soon after one should find him giving orders in person.¹¹⁷ On the other hand, the patent rolls provide one such example from 1219; but since this injunction is described as having been made “firmly” (“mandavimus ei et firmiter injunximus”), it may simply reflect contamination from the formula used to transmit injunctions via letter.¹¹⁸ There is some evidence, however, that the rules proposed here were not followed in the king’s chancery. John wrote certain sheriffs that they were to do whatever two of his clerks would enjoin to them “either ‘viva voce’ or by letters” (“sive viva voce sive per litteras”).¹¹⁹ Perhaps the special use of *iniungo* was introduced into royal

¹¹⁶ *Rotuli Litterarum Clausarum in Turri Londiniensi Asservati, 1204–27*, ed. T. D. Hardy, 2 vols. (London, 1833–44), 1:599, 609, 626, 642–43, 2:21, 24, 54, 63.

¹¹⁷ D. A. Carpenter, *The Minority of Henry III* (Berkeley and Los Angeles, 1990), 321–25. Henry’s authority during his minority is, however, a somewhat muddled issue, as Robert C. Stacey notes (*Politics, Policy, and Finance Under Henry III, 1216–1245* [Oxford, 1987], 35). See also F. M. Powicke, *King Henry III and the Lord Edward: The Community of the Realm in the Thirteenth Century*, 2 vols. (Oxford, 1947), 1:43–44.

¹¹⁸ *Patent Rolls of the Reign of Henry III* 1:202.

¹¹⁹ *Rotuli Litterarum Patentium*, 38. John’s letter of 1215 has “vobis mandando injungimus” (*Rotuli Litterarum Clausarum* 1:202). This is not a standardized phrase and so may support the suggestion that at this point royal clerks did not give *iniungo* the technical sense that the clerks of the bishop of Lincoln did. Royal chancery practice also raises the issue of whether such practice influenced that of Hugh of Wells’s clerks, particularly since Hugh of Wells had been a senior chancery clerk before his appointment to Lincoln. David M. Smith has, however, argued that the connection often drawn between Hugh’s service in John’s chancery and the start of enrollment at Lincoln may be mistaken: he suggests that one should look to pressures indigenous to the diocese for the origins of the rolls (Smith, “Rolls,” 156–57). To Smith’s broad considerations I would add two narrower ones. In the first place, the suggestion that the Hugh must have been imitating royal practice because he chose enrollment over registration loses some of its force when one considers that by 1214 other magnates may have been keeping their records in rolls (see the few examples in Kate Mertes, *The English Noble Household, 1250–1600* [Oxford, 1988], 194, 207). (The argument from enrollment has been apparently made, along with a number of other arguments, most recently by A. Daniel Frankforter [“The Origin of Episcopal Registration Procedures in Medieval England,” *Manuscripta* 26 (1982): 84]. Given Smith’s conclusions regarding letters of institution [Smith, “Rolls,” 187–92], the place Frankforter gives them in the emergence of episcopal enrollment is precarious [Frankforter, “Origin,” 80].) Such enrollments may have received their initial impetus from royal example at some point in the twelfth century, but it is possible that by the early thirteenth century enrollment had become a specifically English—rather than specifically royal—practice. Second, if Hugh modelled his rolls on the king’s, he failed in one remarkable respect. The king’s rolls had long been divided according to regnal year. The advantages of such chronological notices seem obviously desirable, but Hugh did not adopt this practice until after the rolls had been kept for four or so years. On the other hand, it may be that the institution rolls were somewhat less innovative than Smith, in a different connection, supposes (Smith, “Rolls,” 185, 188). The *curia regis* rolls and the king’s memoranda rolls both recorded narratives which did not take the form of documents to be issued for public use. In that sense, they provide a precedent for the institution

chancery practice under Henry, presumably by 1224. As for Rome, one may observe a general paucity of evidence on the matter in the printed registers, but Innocent III states that a bishop “per suas litteras . . . iniunxit.”¹²⁰

Turning to the chronicles, one finds that Matthew Paris used *iniungo* where distance clearly separated the parties: an outburst from the abbots of England, who complained of new papal monetary demands that “an impossibility is enjoined to us by the lord pope.”¹²¹ Although the evidence is thin, another historian appears to use *iniungo* in contexts where the parties were face-to-face. Thomas Wykes, the thirteenth-century chronicler of Osney Abbey, used the term on two occasions where it seems clear that the injunction was sent over distance. In the first he recounts that certain English bishops appeared before a papal legate, who “commanded [them] by firmly enjoining [them] in virtue of obedience” to excommunicate Simon de Montfort.¹²² In the second he also recounts that the new bishop of Bath was consecrated by the archbishop of Canterbury on the continent and, on his return to England, released a sentence of excommunication against Simon de Montfort, “just as had been enjoined to him by the metropolitan” (“prout ei injunctum fuerat a metropolitano”).¹²³ The *Chronicle of the Election of Hugh, Abbot of Bury*, however, refers several times to injunctions made over distance. One of these instances seems particularly to stress distance: the pope “had enjoined to them [i.e., papal judges-delegate then in England] by his mediating letters that they execute his mandate.”¹²⁴ On the whole, it is doubtful that *iniungo* always carried as clear a sense outside the circle of episcopal scribes at Lincoln as it did within it, but the use of *iniungo* for orders made face-to-face still may not have been uncommon.¹²⁵

rolls, although the information they record is neither so concise nor so standardized as that in Hugh's rolls. To what extent Hugh, as a chancery clerk, would have been acquainted with such rolls, the products of the king's court and exchequer, depends on what view one has of the unity of the king's government under John.

¹²⁰ *Die Register Innocenz' III* 2:161 (no. 79).

¹²¹ “Iniungitur nobis a domino Papa impossibilitas” (Matthew Paris, *Chronica maiora* 4:6). The fact that it was an emotional moment is interesting (see the remarks at nn. 128–31 below, regarding *iniungo* as a powerful word in royal correspondence).

¹²² “In virtute obedientiae firmiter injungendo praecepit” (*Annales Monastici* 4:156).

¹²³ “Prout ei injunctum fuerat a metropolitano” (*Annales Monastici* 4:164).

¹²⁴ “Eisque litteris suis mediantibus ut mandatum suum exequerentur diligenter iniunxisset” (*The Chronicle of the Election of Hugh, Abbot of Bury St. Edmunds and Later Bishop of Ely*, ed. R. M. Thomson [Oxford, 1974], 92). See also the two references to “enjoined” mandates, where the mandate is clearly sent over distance (*ibid.*, 128, 160).

¹²⁵ See also the rural dean enjoined through (“per”) someone else, ca. 1198 (*The Cartulary of Newnham Priory*, ed. Joyce Godber, 2 vols., The Publications of the Bedfordshire Historical Record Society 43 [1963–64], 2:394 [no. 923]).

One may bracket the question of how widespread was the use of *iniungo* to refer to personal transactions in asking why the scribes at Lincoln—or anyone else, for that matter—might have chosen *iniungo* to signify orders given face-to-face. The reasons themselves reveal something about the thought of the scribes. In the first place, “to enjoin” is, classically, “to join,” an image which most immediately suggests a personal confrontation, although a little reflection allows a broader view.¹²⁶ One might join by letter, for example, and, as has been seen, the king and others did so. Nevertheless, the image was presumably important, and helps account for the favored use of *iniungo* by episcopal scribes at Lincoln for face-to-face situations. Indeed, penance in the thirteenth century was very often said to be something enjoined—instances can be found as widely as papal letters, Matthew Paris, the penitential of Thomas of Chobham and, of course, the records of the bishops of Lincoln.¹²⁷ Presumably penance was generally assigned personally, although the pope might enjoin remission of sins by letter.¹²⁸ Finally, “enjoin,” as it appears in royal letters, seems to have been something of a loaded—a powerful—word. Until 1272, when large numbers of printed texts of royal letters become hard to find because the close rolls thereafter only appear as calendars, it generally comes in larger and emphatic formulae. Thus, there are the following two examples from Henry III: “we mandate to you, firmly enjoining in the faith, homage, and dearness by which you are held to us”; and “you have ignored [our order] in manifest contempt of our mandate, concerning which we wonder greatly and are moved. And therefore we mandate to you again, firmly enjoining.”¹²⁹ From John a typical letter runs, “we mandate to you and in the faith by which you are held to us we enjoin you just as you love us and just as we have faith in you.”¹³⁰

¹²⁶ *Oxford Latin Dictionary*, s.v. Ducange renders “iniunctus” as “conjunctus, propinquus,” citing an example which perhaps suggests greater intimacy than the scribes of Lincoln had in mind (Ducange, s.v.).

¹²⁷ E.g., *Papsturkunden in England* 1:613 (no. 314); Thomas of Chobham, *Summa confessorum*, ed. F. Broomfield (Louvain, 1968), 289; Matthew Paris, *Chronica majora* 3:333.

¹²⁸ E.g., *Les Registres de Grégoire IX* 1:4, 186 (nos. 3, 303).

¹²⁹ “Vobis mandamus, in fide, homagio et dilectione quibus nobis tenemini firmiter injungentes”; “neglexistis in mandati nostri contemptum manifestum, de quo miramur quamplurimum et movemur. Et ideo vobis iterato mandamus, firmiter injungentes” (*Close Rolls of the Reign of Henry III* 14:500, 571–72). A rough survey of the last volume of Henry III’s close rolls (covering 1268–72) indicates that more than half of the letters which employ some form of *iniungo* do so when the letter invokes the loyalty of the recipient or when the letter reiterates a command earlier ignored (thus, second orders: *ibid.* 14:23, 32, 97, 292, 307, 351, 446, 535, 571–72; loyalty: 14:212, 235 (two letters), 294, 372, 500; no special circumstances apparent: 14:25, 67–68, 116, 160, 365, 377, 393, 394, 461, 579, 585).

¹³⁰ “Vobis mandamus et in fide qua nobis tenemini injungimus quatinus sicut nos diligitis et sicut de vobis confidimus” (*Rotuli Litterarum Patentium*, 15).

In their own way, episcopal scribes at Lincoln and elsewhere followed this too—over half of the 194 letters printed in the edition of Sutton's register which enjoin do so "in virtue of obedience" ("in virtute obediencie"); and at times the scribes were more emphatic still, for example "we mandate by firmly enjoining in virtue of holy obedience under pain of canonical distraint."¹³¹ Injunctions in letters which are made "in virtute obedientiae" in fact survive among Grosseteste's and Gravesend's letters.¹³² This stock phrase presumably derives from papal practice, and most English scribes probably thought it, on the whole, better suited to the episcopal dignity than the language of homage and fealty used in royal correspondence.¹³³ One likes to think that it was with some sense of irony that Hugh of Wells instructed a sheriff not to allow certain excommunicates to plead in court. The bishop wrote the sheriff, "mandating and firmly enjoining in the faith by which you are held *to God and the church*" to obey the bishop's warning.¹³⁴ It is significant that the scribes adopted a word which appears to have been thought appropriate to more strongly worded commands, for it suggests a sense that orders given in person had a certain power.

In using, and perhaps even in developing, a rhetoric of command, the scribes of the bishops of Lincoln made clear their interest in intimacy in diocesan administration. Injunctions were carefully—indeed, fussily—differentiated from mandates. Moreover, the subtleties of *mando* and *iniungo* suggest an administrative language which was more textured than might be supposed.¹³⁵ Mandates were "weak," to be read according to the institutional (and even social) context in which they were sent. Injunctions suggested a figurative language of "joining." Finally, the divide between these terms suggests that diocesan bureaucrats, the products of a society built on personal relations, had a sharp awareness of the difference between transactions done face-to-face and those which were not. Thus, the formulae

¹³¹ "In virtute sancte obediencie sub pena districtionis canonice firmiter injungendo mandamus" (Sutton 3:23). See also Sutton 3:153, 174, 196. Only rarely does one find obedience invoked without some form of *iniungo* (for one such case, see Sutton 6:177: "in virtute obediencie committimus et mandamus").

¹³² Matthew Paris, *Chronica majora* 6:215 (no. 106); *Cartulary of Oseney Abbey* 3:83 (no. 1262).

¹³³ The pope was making orders "in virtute obedientie" from the early thirteenth century (e.g., *Die Register Innocenz' III* 2:189, 286 [nos. 89, 141]; and see also Tangl, *Die päpstlichen Kanzleiordnungen*, chap. 4, nos. 13, 30, 36, 78, 89).

¹³⁴ "Mandantes et in fide *Deo* et ecclesie tenemini *firmiter* injungentes" (Wells 2:233). The italicized words in the Latin were deleted in the edition and are taken from Wel. LAO Roll IX d.

¹³⁵ Editors, for example, are capable of describing mandates as injunctions (e.g., compare Sutton 3:12/1 with LAO Episcopal Register I, fol. 3v).

used by episcopal scribes were marked by more than meaningless variations. Rather, they provide a point of entry into the culture of thirteenth-century administration.

APPENDIX

Usage at Lincoln Before the Rolls and After the Thirteenth Century

It is natural to ask how early the usage discussed here can be traced. Unfortunately, far less material has survived from the time before the rolls. It does not say much regarding the questions raised here. What little remains, however, indicates that Hugh of Wells's predecessors, like the king, preferred *mando* and *praecipio* over other terms to transmit orders in their letters. Bishop William of Blois called his written command "our mandate."¹³⁶ Hugh of Avalon twice sent a written mandate ("mandamus"), but these were issued jointly with other papal judges-delegate.¹³⁷ Hugh's predecessors might also use *mando* in sending orders, but in conjunction with *praecipio*. In two letters dated 1173 × 1182 Geoffrey Plantagenet used "mandans precipio" and "mandantes precipimus."¹³⁸ Similarly, Robert Chesney issued letters in which he mandated, ordering by force of obedience ("in vi obediencie precipiendo mandamus"), and ordered with mandating ("mandando precipimus").¹³⁹ The first use of *iniungo* to transmit a command in a bishop of Lincoln's letter, in 1203 × 1206 ("in virtute obediencie iniungimus"), appears to mirror papal and royal usage.¹⁴⁰ This early evidence is sparse, but at least it is consistent with what is later clearly the usage in Lincoln's diocesan administration. Moreover, it reflects royal practice.¹⁴¹

Much more work needs to be done to determine whether the distinction between orders given in person and those sent over distance continued in use after the thirteenth century.

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¹³⁶ *English Episcopal Acta IV (Lincoln 1186–1206)*, ed. David M. Smith (London, 1986), 178 (no. 283).

¹³⁷ *Ibid.*, 28, 30–31 (nos. 36, 38).

¹³⁸ *English Episcopal Acta I*, 183 (nos. 293, 292).

¹³⁹ *Ibid.*, 138 (no. 220) and 83 (no. 134).

¹⁴⁰ *English Episcopal Acta IV*, 178 (no. 283).

¹⁴¹ For some remarks on royal influences on episcopal *acta*, see C. R. Cheney, *English Bishops' Chanceries, 1100–1250* (Manchester, 1950), 83, 86–90, 97; F. M. Stenton, "Acta episcoporum," *The Cambridge Historical Journal* 3 (1929): 11. David M. Smith observes that the injunctive clause of St. Hugh of Avalon's charters is modelled on Angevin royal practice (*English Episcopal Acta IV*, xxxiv).

POETIC INVENTION AND THE MEDIEVAL CAUSAE*

Robert R. Edwards

An essential feature of our understanding of medieval poetry and poetics is the abiding influence of classical rhetoric. For the Latin and vernacular works of medieval high culture, invention, disposition, and ornament describe the broad domains of poetic composition. At the level of technique, figures of thought and speech furnish the resources of verbal artistry. Such is the picture of influence sketched early in this century by C. S. Baldwin and Edmond Faral, elaborated by Ernst Robert Curtius, and analyzed from the critic's perspective by Peter Dronke and Douglas Kelly.¹ I have argued elsewhere that this dominant influence is complemented by another, more

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¹ Charles Sears Baldwin, *Medieval Rhetoric and Poetic (to 1400) Interpreted from Representative Works* (New York, 1928; rpt. Gloucester, Mass., 1959); Edmond Faral, *Les arts poétiques du XI^e et du XIII^e siècle* (Paris, 1924); Ernst Robert Curtius, *European Literature and the Latin Middle Ages*, trans. Willard R. Trask (New York, 1963); Peter Dronke, "Mediaeval Rhetoric," in *The Medieval World*, vol. 2 of *Literature and Western Civilization*, ed. David Daiches and Anthony Thorlby, 6 vols. (London, 1973), 315-45; Douglas Kelly, *Medieval Imagination: Rhetoric and the Poetry of Courtly Love* (Madison, 1978). See also Kelly's articles, "Obscurity and Memory: Sources for Invention in Medieval French Literature," in *Vernacular Poetics in the Middle Ages*, ed. Lois Ebin, *Studies in Medieval Culture* 16 (Kalamazoo, Mich., 1984), 33-56, and "Topical Invention in Medieval French Literature," in *Medieval Eloquence: Studies in the Theory and Practice of Medieval Rhetoric*, ed. James J. Murphy (Berkeley, 1978), 231-51, which build on two earlier expository pieces, "The Scope of the Treatment of Composition in the Twelfth- and Thirteenth-Century Arts of Poetry," *Speculum* 41 (1966): 261-78, and "Theory of Composition in Medieval Narrative Poetry and Geoffrey of Vinsauf's *Poetria Nova*," *Mediaeval Studies* 31 (1969): 117-48. The standard account of medieval rhetoric, James J. Murphy's *Rhetoric in the Middle Ages: A History of Rhetorical Theory from Saint Augustine to the Renaissance* (Berkeley, 1974), is concerned with the transmission of rhetorical doctrine generally and not specifically with its absorption into poetics.

subtle kind of influence.² Some poems in the High and late Middle Ages take rhetoric not simply as a body of precepts but also as their subject matter. These works suggest that the relation of theory to literary practice is multidimensional and at times dialectical. In this essay, I hope to extend the study of rhetoric and poetry, specifically invention and narrative poetry, by analyzing a group of medieval Latin poems that develop from the tradition of forensic rhetoric. These poems are attributed, with varying degrees of certainty, to the twelfth-century poet Bernardus Silvestris.³ Their literary interest lies in the changes Bernardus or his imitators make in the materials of their forebears, so the poems offer a dual witness—to both poetic invention and cultural transformation.

In classical antiquity, the *Declamationes* falsely ascribed to Quintilian and the *Controversiae* of the Elder Seneca offered examples of the rhetorical strategies required to argue cases at law.⁴ The former were school exercises, the latter imaginary lawsuits.⁵ The cases these forms present are by nature extreme. Thoroughly fictitious and often fantastic, they define the boundary

² Robert R. Edwards, *Ratio and Invention: A Study of Medieval Lyric and Narrative* (Nashville, 1989).

³ The *Mathematicus* is attributed to Bernardus with good authority. See Hans Walther, *Initia carminum ac versuum medii aevi posterioris latinorum: Alphabetisches Verzeichnis der Versanfänge mittellateinischer Dichtungen* (Göttingen, 1959), no. 17506. The evidence for attribution is summarized by A. B. Scott, "The Poems of Hildebert of Le Mans: A New Examination of the Canon," *Mediaeval and Renaissance Studies* 6 (1968): 81. The second poem, "De gemellis" (Walther, *Initia*, no. 16848), is somewhat less certain. On the basis of style and subject matter, Edmond Faral argues for Bernardus's authorship; see Edmond Faral, "Le manuscrit 511 du 'Hunterian Museum' de Glasgow," *Studi medievali*, n.s., 9 (1936): 79. Mirella Brini Savorelli, "Il 'Dictamen' di Bernardo Silvestre," *Rivista critica di storia della filosofia* 20 (1965): 182, accepts Faral's tentative attribution. A. Boutemy, "Notes complémentaires aux listes d'écrivains et de textes latins de France du XI^{me} siècle," *Bulletin du Cange: Archivum Latinitatis Medii Aevi* 17 (1943): 35, assigns authorship to Petrus Pictor. See also L. van Acker, ed., *Petri Pictoris Carmina*, Corpus Christianorum, Continuatio Mediaevalis 25 (Turnhout, 1972), p. xxi. The third poem, "Pauper ingratus" (Walther, *Initia*, no. 11150), appears among the list of Bernardus's poems in Paul Gerhard Schmidt, "Die mittellateinische Dichtung im Liber Floridus," in *Liber Floridus Colloquium*, ed. Albert Derolez (Ghent, 1973), 57 n. 35. Faral, "Le manuscrit 511 du 'Hunterian Museum' de Glasgow," 80, attributes the poem to Bernardus or one of his imitators. Peter Dronke, ed., *Bernardus Silvestris: Cosmographia* (Leiden, 1978), 6–7, sees "De gemellis" and "Pauper ingratus" as part of a small group of poems related to each other by their themes, occurrences in manuscripts, and occurrences with or near longer poems known to be by Bernardus. Dronke sees no decisive evidence for attributing them to Bernardus. He suggests instead a "school of Bernard" or "school of Tours" (7). For convenience, I shall refer to Bernardus as the author of all three poems.

⁴ Lennart Håkanson, ed., *Declamationes XIX maiores Quintiliano falso ascriptae* (Stuttgart, 1982); and Seneca, *Declamations*, trans. M. Winterbottom, 2 vols. (Cambridge, Mass., 1974).

⁵ Murphy, *Rhetoric*, 38.

conditions of pleading and persuasion, the most extravagant circumstances to which reasoned argument can seemingly be applied. In some cases even the points of law invoked are fabricated.⁶ Their fictional basis and implausibility naturally made such cases rich in their possibilities for discovering topics and points of argument. And it was these qualities, too, that attracted medieval poets who labelled the cases, along with other kinds of debate poetry, as *causae*.⁷

The *causae* are cultural products, and they differed from their classical sources in several respects. They are the works of literary rather than judicial culture, though the two obviously overlap to some degree.⁸ There is no evidence that the medieval poems played a pedagogic role in training for forensic rhetoric. Rather, the *causae* are for the most part pieces of anthology literature and so give a view of taste and poetic interests in the twelfth through the fourteenth centuries, when most were composed and transmitted. Furthermore, the predicaments embodied in the *causae* are not open to the resolutions that the law imposes, whether out of justice or equity. Like the *demande d'amour* of courtly literature, they cultivate a kind of indeterminacy that throws their meaning back to the realm of ethical deliberation and moral speculation. The authors of the poems emphasize the open-endedness of the cases, their intractable, if sometimes implausible, paradoxes. The evidence for this treatment comes from both the literary and the textual traditions. In the first case, we shall examine Bernardus's rewriting of his source to deepen and complicate his themes. In the other two, we shall see how study of the textual tradition complements literary study to cast light on the process of reconceiving an antecedent text.

⁶ S. F. Bonner, *Roman Declamation in the Late Republic and Early Empire* (Liverpool, 1949), 88, contends that the law invoked in *Declamatio* 4 and taken as the pretext of the *Mathematicus* is not supported by legal evidence.

⁷ Paris, Bibliothèque Nationale nouv. acq. lat. 1554 contains examples of cases where the fiction of legal process serves to present what are clearly debates between occupational and social types, such as a rich and poor scholar debating before Solomon (fols. 89v-91r) or a woman seeking a divorce before the pope from her impotent husband (fols. 92v-94r). A similar collection appears in Paris, Bibliothèque de l'Arsenal 1136. Dronke, *Cosmographia*, 6-7, aptly describes the poems based on pseudo-Quintilian and Seneca as "enigmata" (7). "Sponsus adversus sponsam" (Walther, *Initia*, no. 16419), based on Seneca, *Controversiae* 2.7 (cf. Quintilian, *Declamationes minores* 363), uses the same forensic sources as the poems discussed here but differs by giving the judges' decision in favor of the wife.

⁸ Pierre d'Ailly (1350-1420) lists the "causae Quintilianii" among the books studied at Paris, and he connects them with the study of the poets rather than "rhetorica"; see Murphy, *Rhetoric*, 126 n. 112, citing Louis John Paetow, *The Arts Course at Medieval Universities with Special Reference to Grammar and Rhetoric*, University of Illinois Studies 3, no. 7 (Champaign, 1910), 61-62 n. 51. Robert Holcot moralized a passage from pseudo-Quintilian, *Declamationes* 9; see Beryl Smalley, *English Friars and Antiquity in the Early Fourteenth Century* (Oxford, 1960), 180-81.

I

Probably the most renowned of these works is the *Mathematicus* of Bernardus Silvestris. Bernardus takes as his source *Declamatio maior* 4, ascribed falsely to Quintilian. In the declamation, a man consults an astrologer about the child his wife bears. The astrologer reports that the child will perform notable deeds but will also kill his father. The child fulfills the first part of the prophecy and then asks the Roman Senate for permission to commit suicide without forfeiting the right to proper burial. In Bernardus, this story is amplified by descriptions of the principal characters, references to Fortune, and biblical overtones. Otto Zwierlein points out that Bernardus also introduces reminiscences of Seneca's tragedies.⁹ The narrative portion of pseudo-Quintilian is a brief resumé of the circumstances; the true focus is on the arguments made before the court. Bernardus makes use of the story but largely ignores the pleading which is the essence of the declamation. He does nothing, for instance, with the son's claim in his speech that parricide would be a logical extension of his heroic fervor in battle, and he omits the detail that the father prepares to kill himself in order to relieve the son of his dilemma. In this respect, Bernardus follows the protocols of poetic invention; for, as the medieval *artes* advise, he reads the antecedent text for its possibilities of expression and speaks where it is silent.¹⁰ The declamation does not simply present a story for Bernardus to revise according to his own wishes; Bernardus reads it with a view toward discovering what remains latent in the subject matter. His poem is a work of literary and cultural transformation.

At one level, Bernardus's poem embodies a series of figures and techniques that serve directly to amplify pseudo-Quintilian. The *Mathematicus* opens with a *sententia* about the inadequacy of human happiness: "Semper ut ex aliqua felices parte querantur / Leges humanae conditionis habent."¹¹ It then offers descriptions of the father and mother, using the attributes of character (*notatio*) outlined in Cicero and repeated by medieval authorities.¹² The father is defined by his way of life, nation, exploits, fortune,

⁹ Otto Zwierlein, "Spuren der Tragödien Senecas bei Bernardus Silvestris, Petrus Pictor und Marbod von Rennes," *Mittelaltinisches Jahrbuch* 22 (1987): 172–79.

¹⁰ Geoffrey of Vinsauf, *Documentum de modo et arte dictandi et versificandi* 2.3.134 (Faral, *Les arts poétiques*, 309–10). See the discussion in Edwards, *Ratio and Invention*, 85–86 and 164 n. 22.

¹¹ The text quoted is *Le Mathematicus de Bernard Silvestris et la Passio Sanctae Agnetis de Pierre Riga*, ed. Barthélemy Hauréau (Paris, 1895), 15; references are to pages in Hauréau's edition.

¹² Cicero, *De inventione* 1.24–25; cf. Matthew of Vendôme, *Ars versificatoria* 1.77 and 60 (Faral, *Les arts poétiques*, 136, 132); Geoffrey of Vinsauf, *Poetria nova*, lines 554–667 and

and character. His wife is introduced by a similar array of attributes, the most notable of which is that her virtues overcome the supposed deficiencies of her sex. Just as the characters individually represent the joining of physical grace to moral values, Bernardus says, so their marriage is a match of complementary virtues, favored by chance and Fortune: "Sic igitur proba juncta probo, formosa decoro, / Callida sensato, relligiosa pio" (p. 15).

In other parts of the poem, Bernardus uses similar devices to amplify the original narrative. When the wife consults the astrologer, he prophesies the birth of a child whose physical and mental properties rival those of Paris, Achilles, Cræsus, and Ulysses. The dark side of the prophecy is expressed as a rhetorical paradox: "Tristitiam gaudens, gaudia tristis habet" (p. 16). The husband, too, gives voice to the paradox: "Quaesivi sobolem, datus est mihi filius hostis" (p. 17). Later, when the mother faces the decision to destroy the child, Bernardus evokes the figure of Seneca's Medea as a negative example. Raised by another woman, the child, named Patricida, learns the seven Liberal Arts and sublimates his erotic impulses into military discipline, in which he emulates Caesar and Hercules. When he saves Rome from the invading Carthaginians (Bernardus supplies the identity of the enemy mentioned in the declamation), the king abdicates in his favor. This forces the dilemma that Bernardus exploits in his description of the mother's turbulent emotions: "Alternis dolet et gaudet, misereque beata, / Ponderat ad casus dulcia fata malos" (p. 22). Her speech to her husband incorporates again a variety of misogynistic motifs: "Fixa pedem manet ad facinus, nunquamque malignam / Mutat naturam femina sola suam" (p. 24); it ends in the anaphora ("Filius ille tuus" repeated six times) that reveals her son's identity.

For his part, the father accepts the integrity of the wife's motivation in saving the child: "Mater eras, maternus amor pietasque coegit, / Medaeamque fugis, aemula Penelopsis" (p. 26). He also accepts the fate that seemingly awaits him. Turning his impending death aside, he envisions the continuity of his lineage in the image of a genealogical tree: "Ut vetus arbor ego, cujus de stirpe renascens / Virgula servatur, ipsa recisa perit; / Virga suam matrem longum distendit in aevum, / Perpetuatque meus filius esse meum" (p. 26). In the subsequent speeches in which Patricida learns of his fate and addresses the authorities and people of Rome, Bernardus shifts his rhetorical mode. The first shift is toward panegyric, as the mother and father praise their son's qualities and then the father releases him from fault for the crime

he is predicted to commit. The second shift is toward deliberative rhetoric, as Patricida addresses the *res publica*, asking for a favor he will not specify and repeating his plea, "Quidquid id est, regi porrige, Roma, tuo" (pp. 32, 33). He appeals to the officials and people on the strength of his character and the services he has rendered the state in war and the promulgation of good laws. When his favor is granted, he reveals his intention to kill himself but prefaces the disclosure with an elaborate list of what he will not take from the spoils he has won for Rome ("copia nostra"). Though the Quirites object that he has used subterfuge to extract the promise, Patricida rejoins that he has used artless speech and claims the gift given him.

At one level, then, Bernardus employs the common devices of description and amplification to add specificity and narrative context to a story that essentially presents only a predicament in pseudo-Quintilian. The principal characters are given social and moral definition. The military and political achievements of Patricida elevate a private dilemma to a question that bears on the state itself. At another level, Bernardus translates the story to a radically different cultural milieu. Wolfram von den Steinen remarks that the events occur at "une Rome tout à fait romanesque."¹³ Bernardus finds within the story a set of concerns that do not emerge in the *narratio* or arguments of pseudo-Quintilian. The antifeminism expressed by both the narrator and the wife resembles that voiced by the husbands in *causae* such as the "De gemellis" (see below) or the "Sponsus adversus sponsam," which begins, "Rarius in terris nihil est quam femina recti / Conscia."¹⁴ The speech in the declamation says worldly achievements are transitory, but the opening *sententia* of the *Mathematicus* expresses contempt for the world. Though the theme is a Neoplatonic commonplace, the poem uses it not merely to convey the primacy of spirit over matter but to suggest a perspective of divine indifference edging toward malice. The victory over the Carthaginians, for example, provokes a moralizing dismissal of human effort: "Ridiculos hominum versat sors caeca labores: / Saecula nostra jocus ludibriumque Deis" (p. 19).

Moreover, Bernardus spiritualizes the story in a way that amplifies the received materials and enriches the thematic resonance of the predicaments. When Patricida is born, his mother senses in him the divine aspect of

¹³ Wolfram von den Steinen, "Les sujets d'inspiration chez les poètes latins du XII^e siècle," *Cahiers de civilisation médiévale* 9 (1966): 377.

¹⁴ Text in PL 171:1453–55. For a discussion of the misogynistic sources used in medieval elegiac satire, see Giovanni Orlandi, "Classical Latin Satire and Medieval Elegiac Comedy," in *Latin Poetry and the Classical Tradition: Essays in Medieval and Renaissance Literature*, ed. Peter Godman and Oswyn Murray (Oxford, 1990), 107–13.

humanity: "In nascente fuit tantae deitatis imago, / Vix potuit credi materialis homo" (p. 17). The king who relinquishes his throne sees the power of Nature and the "forma Deae" in Patricida's face. Similarly, when the father encounters him, he too is overcome: "Aspiciens igitur tantae miracula formae, / Aut stupefactus ad haec" (p. 29).¹⁵ As Patricida explains and defends his decision to commit suicide, Bernardus elaborates a sequence of oppositions that symbolically separate the earthly from the divine. Light is associated with the intellect and man's rational capacities, darkness with the flesh and the crime that awaits the protagonist.

Nam velut opposita contraria fronte repugnant,
Sic meus in vitium spiritus arma movet;
Et mea mens oriunda polo cognataque stellis
Naturae memor est principique sui;
Et quia primorum puros intelligit ortus
Filia splendoris, noctis abhorret opus;
Noctis abhorret opus altaeque capax rationis
Spiritus ad carnis fluxa venire timet . . . (p. 35).¹⁶

In this speech the crime represents not merely sin but an essential self-alienation. It threatens to divide the soul from the body, to disrupt the workmanship of Nature that Bernardus alludes to earlier in this poem and describes at length in *Microcosmus* 12–13. Patricida will become scattered and indistinct when his rational powers no longer command his physical

¹⁵ Winthrop Wetherbee, *Platonism and Poetry in the Twelfth Century: The Literary Influence of the School of Chartres* (Princeton, 1972), 167 n., observes that the couplet honoring Pope Eugene III in the *Cosmographia* is essentially the same as that describing Patricida's perfection: "Munificens deitas Eugenium comodat orbi, / Donat et in solo munere cuncta semel" (*Megacosmus* 3.55–56) and "Naturae praelarga manus te contulit orbi, / Et dedit in solo munere cuncta simul" (*Mathematicus*, p. 28); cf. *The "Cosmographia" of Bernardus Silvestris*, trans. Winthrop Wetherbee (New York, 1973), 149 n. 63. In Urania's speech in *Microcosmus* 10.9–14, Bernardus develops the same idea of man as an exemplar:

Sensilis hic mundus, mundi melioris ymago,
Ut plenus plenis partibus esse queat,
Effigies cognata deis et sancta meorum
Et felix operum clausula fiet homo,
Qualis ab eterno sub mundo principe vivit,
Digna nec inferior mentis ydea mee.

¹⁶ Bernardus stresses these thematic contrasts in the final verse section of the *Microcosmus*: "Splendor splendori, lucique domestica lux est; / In noctem et tenebras ocia visus agit" (14.25–26) and "Ceca manus detractat opus, pes ebrius errat, / Quando opus in tenebris et sine luce movent" (14.47–48).

acts.¹⁷ The "forma Deae" will be disfigured by the ugliness of the crime: "Patricida . . . incipiat turpiter esse nocens" (p. 35).¹⁸

The most notable enhancement of the story is Bernardus's representation of Fate as the mechanism of Patricida's fall. Fate stands in the poem as an amalgam of influences variously identified with Jupiter and the stars, but these diverse elements are all part of a single pattern. The astrologer's initial prediction invokes the full array of these powers.

Sic erit, adde fidem, Jovis est sic fixa voluntas;
 Quidquid praecinui nil habet ambigui.
 Fata tibi spondent, Di spondent, sidera spondent;
 Res rata quam spondent sidera, fata, Dii (p. 16).

Unlike the son's speech in *Declamatio* 4, however, Bernardus's theme is not simple determinism, for he opens up the complexities of determinism in several ways. The mother's misogyny suggests an unreflective necessity attached to gender: "nunquamque malignam / Mutat naturam femina sola suam" (p. 24). The father's meditation on Fate stresses its dual aspects: "Fatum me perimit, fatum servavit eundem / Quem servasse putas; omnia lege meant" (p. 26). If Fate decrees his death, it has nonetheless assured his continuity and the continuation of his line through his son. It is Patricida who most experiences the tension among Fate, will, and human potency. The father tells him that another spirit will direct and govern his weapons and that external powers have compelled him to commit his crime.

Vi firmamenti divinorumque supernis
 Motibus astrorum cogeris esse nocens;
 Cogeris esse nocens manifesta culpa deorum
 Est ut non possis mitior esse patri (p. 30).

The narrator describes Patricida's moment of recognition as one of overturning and disintegration: "Altius ingemuit Patricida, suamque relabi / Fortunam sensit comminuique decus" (p. 31). His initial speech does not, as one might expect, juxtapose determinism and free will but instead regards the power of Fate as something that suppresses the divine element of human nature. He reasons, "Frustra particulam divinae mentis habemus, / Si nequeat ratio nostra cavere sibi" (p. 31). The issue, as Patricida formulates

¹⁷ Some hint of Bernardus's theme is given in *Declamatio* 4.20, where the son describes the power of heroic fervor to supersede volition. Urania's speech in *Microcosmus* 8.45-46 describes death's power over the body (but not the mind) as a dissociation: "Forma fluit, manet esse rei, mortisque potestas / Nil perimit, sed res dissociat socias."

¹⁸ See Zwierlein, "Spuren," 178, for echoes of Seneca.

it here, is not predestination so much as a metaphysical contradiction: destiny as divine injunction separates him from those properties that otherwise connect him to divinity.

Many scholars believe that the views on astral determinism expressed in Bernardus's *Cosmographia* and *Experimentarius* apply in some form to the *Mathematicus*.¹⁹ Lynn Thorndike describes the poem as "a narrative which throughout assumes the truth of astrological prediction concerning human fortune."²⁰ Richard Lemay says, "To Bernard's mind, the stars are gods who rule nature and history";²¹ he regards the *Mathematicus* as "wholly astrological."²² Von den Steinen argues that by locating his narrative action outside the Christian world in the remoteness of a pagan past imagined through literature, Bernardus is able to explore the problem of determinism without having to save the appearance of God's providence, power, and beneficence.²³ In its pseudo-antique setting, the *Mathematicus* "envisage le problème dans toute sa crudité. Il n'existe pas ici de solution due ni à la prière, ni au châtement divin, ni même à la perfection de Patricida."²⁴ On this view, Christian doctrine is excluded *a priori*.

By contrast, recent commentators propose readings that modify Bernardus's supposed determinism. Brian Stock points out that the image of the heavens' writing by means of the stars and prefiguring what must follow from the law of fate (*Megacosmus* 3.33–34) is echoed in the scene from the *Mathematicus* in which the mother consults the astrologer. But this is "not a complete acquiescence to determinism. . . . It is a position in which God's effective power is translated into causal terms as Bernard understood them."²⁵ Winthrop Wetherbee argues, "Bernardus' conception of the relations of man and nature always involves a certain tension between human will

¹⁹ For a survey of scholarship dealing with Bernardus's view of determinism, see Peter Dronke, *Fabula: Explorations into the Uses of Myth in Medieval Platonism*, *Mittellateinische Studien und Texte* 9 (Leiden, 1974), 141 n. 1.

²⁰ Lynn Thorndike, *A History of Magic and Experimental Science During the First Thirteen Centuries of Our Era*, 8 vols. (New York, 1923–58), 2:106.

²¹ Richard Lemay, *Abu Ma'shur and Latin Aristotelianism in the Twelfth Century: The Recovery of Aristotle's Natural Philosophy through Arabic Astrology* (Beirut, 1962), 258.

²² *Ibid.*, 285 n. 5.

²³ Von den Steinen ("Les sujets," 378–79) contrasts Bernardus's *Experimentarius* to the *Mathematicus* on the issue of Christian doctrine. In the former, God is able to intervene, even though Fate operates; in the latter, he is simply removed.

²⁴ *Ibid.*, 379.

²⁵ Brian Stock, *Myth and Science in the Twelfth Century: A Study of Bernard Silvester* (Princeton, 1972), 131; and see *ibid.*, n. 18. Jon Whitman, *Allegory: The Dynamics of an Ancient and Medieval Technique* (Oxford, 1987), 218–60, offers a valuable discussion of Bernardus's poetic strategy of representing the complementarity of intermediaries between the divine and the earthly.

and the containing universe.”²⁶ Patricida determines to rise against the tyranny of the stars and to reclaim his original perfection. For Wetherbee, the poem’s meaning lies finally in different responses to the rhetoric of perfection. Patricida’s parents cannot see beyond the earthly implications of perfection—namely, the culmination of his public career. Patricida, says Wetherbee, sees beyond the forces that impinge on human life, and his perfection adumbrates a complete fulfillment in Christ’s heroism.²⁷ Arguing that Bernardus imposes the Oedipus myth on the story to intensify its tragic force, Peter Dronke similarly locates the poem’s turning point in the lines in which Patricida rejects the stars and Fate because man’s divinity cannot be constrained by them: “Sic elementa Deus, sic ignea sidera fecit / Ut neque sideribus subditus esset homo” (p. 31).²⁸ He contends, however, that the poem’s crucial turn is the shift from outwitting and evading Fate, as in pseudo-Quintilian, to asserting “the freedom to solve one’s own guilt, the freedom to take the decision that seems finest, regardless of the pressures of the outside world.”²⁹ Patricida establishes, he says, not so much the right to suicide as the right to choose; and the poem’s inconclusive ending, which all commentators accept as appropriate, nonetheless sounds a note of optimism and affirmation.³⁰

Though they differ in their formulations, these approaches find in Patricida’s assertion of free will a significant example of Bernardus’s poetic reconception of his materials. To some extent, voluntarism is implied by the representation of determinism in the *Cosmographia*. In her speech to Nature, Urania says she guides the human soul to teach it about fate, destiny,

²⁶ Wetherbee, *Platonism and Poetry*, 153. Elsewhere Wetherbee offers an optimistic reading of Fate. Patricida, he says, “asserts his dignity as a man and the affinity of his understanding with heavenly powers, as arguments against acquiescence in the working out of an arbitrary fate” (*The “Cosmographia,”* 27). He proposes that the source for the perspective on Fate embodied in Patricida is Firmicus Maternus’s *Mathesis*; see also the discussion in Stock, *Myth and Science*, 81–87.

²⁷ Wetherbee, *Platonism and Poetry*, 153–58.

²⁸ Dronke, *Fabula*, 132. It is worth noting that the poem does not dwell on Fortune. There are references to shifts in worldly status, especially in the initial Roman defeat and in the subsequent overthrow of the Carthaginians, but Bernardus does not develop Fortune as a dominant theme. He thus diverges from the tradition of medieval tragedy, in which Fortune operates as the mechanism of secular reversals. His emphasis is on the conjunction of the divine and earthly, not the fall from worldly prosperity to misery. Patricida fears the sin of his crime rather than the loss of his royal status, and he purposely suffers a loss of degree in order to try to avoid the crime. Hauréau, 13–14, suggests that the *Mathematicus* is associated with medieval literary experiments in writing classical forms. For a discussion of medieval approaches to tragedy, see Robert R. Edwards, “History, Tragedy, and Christian Character,” *Paideia* 6 (1979): 5–29.

²⁹ Dronke, *Fabula*, 136.

³⁰ *Ibid.*, 137.

and fortune so that it can discriminate what is subject to choice, necessity, and accident: "Que sit in arbitrio res libera, <quid ve ne>cesse, / Quid cadat ambiguus <sub casibus>" (*Microcosmus* 4.35–36). Later the complex image combining the mirror of providence, table of destiny, and book of memory (*Microcosmus* 11) offers coordinate but not identical planes reaching from eternal ideas and archetypes to changeable temporal orders and then to imperfect human memory and understanding. Dronke rightly claims, too, that Boethius's views on determinism and free will play a role in Bernardus's poem.³¹ In these instances determinism stands over and against not just free will but also human perception. For the shape of necessity may be given by ideas or God's foreknowledge, but mankind grasps it imperfectly. In this way, the limitation of human understanding paradoxically creates the possibility of choice, even when and if the outcome is determined. The gap between the divine and human, the order of being and the order of knowing, sets the ground for Boethius's subtle analysis of necessity (*Consolatio Philosophiae*, book 5), and it serves Bernardus in the *Mathematicus* as a poetic theme that has been insufficiently appreciated.

The play of ambiguity and obscure meaning grows out of the poetic treatment of Fate, and it represents an interesting aspect of Bernardus's invention of pseudo-Quintilian. Against the determinate structure of immutable destiny, the poem sets out a group of signs whose meaning must be discovered. The first sign is the most encompassing and fraught with significance: the lack of a child is the imperfection that mars the perfect union of the husband and wife. They enjoy complete prosperity and the fullness of fortune, the narrator tells us, except for this single flaw.

Sors arrisit eis, favit Fortuna; beati
 Omnibus, excepto munere prolis, erant;
 Perfecti minus hoc uno, si prole carere
 Est a perfecta prosperitate minus (p. 15).

The astrologer reads the sign of their barrenness. He is consulted because he knows how to force the meaning of hidden causes ("Naturae causas secretaque scire latentis" [p. 16]), and the prophecy he offers begins by foretelling the child's birth as filling the absence and occupying the physical site of barrenness: "ecce maritus / Implebit steriles fertilitate sinus" (p. 16). It is the astrologer, too, who is the guarantor of absolute meaning. Prophesying

³¹ Ibid. Thorndike also says of Bernardus, "He thus appears, like the author of the treatise on fate ascribed to Plutarch, like Boethius, and like a host of other theologians, philosophers, and astrologers, to believe in the co-existence of free will, inevitable fate, and 'variable fortune'" (*History of Magic* 2: 106).

the father's death, he asserts, "Quidquid praecinui nil habet ambigui." But short of his full and uncontested meaning, there is a realm of profound linguistic ambiguity and contingent meaning. Here Bernardus develops a fascinating thematic pattern of hiding and concealment, most of it turning on questions of signs and language.

Patricida is given a name whose significance is not understood until later ("Nomen in ambiguo" [p. 18]).³² He studies medicine to learn the sources of pain and illness so that he can expel them. He becomes the imperial standard bearer ("Ausonii signifer imperii" [p. 19]) because of his virtue, and the office itself is transformed by metalepsis into a symbol of his qualities. When the Carthaginians capture the Roman king, Patricida knows how to conceal his troops and cut off the Carthaginians' advance. The story told of his victory artfully amplifies the theme of concealment. It recounts the Carthaginians' stealth and the blindness of the Romans: "Latios belli caecaverit ardor, / Ne tacitos possent ante videre dolos" (p. 20). Patricida's victory depends on turning concealment to his advantage. With this victory his name fills the mouths of the people ("in vulgi plurimus ore sonat" [p. 20]), just as his conception earlier filled his mother's womb. In the wake of the battle, the letters sent to the disgraced king by the fathers of Rome are consciously written to embody a double sense: "Pagina signatur, cujus dare sive negare / Ambiguus sensus significare queat" (p. 20). The king reads the ambiguity, however, and recognizes the wisdom of assigning his throne to Patricida: "Ambagem dubiae sentio vocis" (p. 21).

The complex nature of signs and language functions poetically to modify the element of astral determinism in Bernardus's invention of the story. The astrologer's prophecy establishes the determinate meaning of signs and words, of course. Patricida learns only later, for instance, the literal meaning of his name, and he then discloses to Rome the significance of the word it has been repeating in celebration and homage. But the thematic emphasis of the *Mathematicus* falls chiefly on what the characters experience as indeterminate, just as the human soul in the *Cosmographia* must distinguish what belongs to destiny, free will, and chance. The mother's hidden knowledge weighs on her throughout Patricida's triumph. When she begins to disclose the actual situation to her husband, she must struggle through evasions and circumlocutions, to which she herself calls attention: "Sed, quia suspensus dubio sermone teneris, / Aspice quo tendant, quid mea verba velint" (p. 24). Her vocabulary describes in miniature how language operates

³² Linda Lomperis, "From God's Book to the Play of the Text in the *Cosmographia*," *Medievalia et Humanistica*, n.s., 16 (1988): 67 n. 18, says the mother gives the son a *nomen in ambiguo* so it "will oppose the astrological prediction that he will kill his father."

in the poem. The husband is held suspended by uncertain speech, while she can reveal only where her words are headed and what they would mean if indeed they could signify fully. To say what she wants, she must rely on the insistent repetition of anaphora, iterating "Filius ille tuus" half a dozen times at the end of her speech, as if repetition could serve the needs of complete meaning and adequate designation. Speech fails literally and figuratively in the father's heroic reconciliation with his son. Though he accepts the ironic rewards of Fate and absolves his son from blame, the father cannot put the fact of his own death into language. The absolute and immutable announcement of death falls into silence: "'Con dono mea, nate, tibi . . .' Cum dicere vellet / Funera, vox linguam nulla secuta suam" (p. 30). What supplements this unarticulated sign and the fractured sentence (*imperfecta sententia*) is another sign—tears whose meaning is evidently clear though never stated: "Sed pia supplevit lacryma vocis opus" (p. 30).

The sort of meaning Bernardus implies in these passages is something distinct from the immutable, literal truth of divine prophecy. It is the moral truth of decisions taken in imperfect and partial knowledge by characters who act out of good intentions. The impending crime of patricide looms over the world of the poem, but there is no evil as such. The Carthaginians suffer the ironic price of their stealth, while the Romans learn the consequences of their lust for battle. All the principal characters are imbued with nobility of soul and goodwill, much like the man fabricated in the *Cosmographia*. The king is a "homo discretus" (p. 21), the mother acts out of maternal love, the father accepts the bitter gifts of Fate, and Patricida is prepared to kill himself before committing the crime. At various points, all of them carry on an internal discourse in which their reflections seem to elude the uncertainties of spoken language as well as the constrictions of prophetic speech. Bernardus does not give us a transcription of this discourse, though he characterizes what the figures think. The essential point is that their inner speech is the domain where acts and values are deliberated in the face of necessity.

In the final section of the *Mathematicus*, Bernardus brings these themes into sharp focus. Patricida addresses the Roman people and their officers to ask for his *ambiguum munus*. It is on the strength of his character that the unnamed gift is granted. When the nature of the gift is revealed, he has to defend the means by which it was obtained. In other words, he has to refute the contention that the *munus* was an intentionally ambiguous term which he is now defining at his pleasure. He concedes, "His pro muneribus vox mea blanda fuit" (p. 34) but argues that the circumstances make the request legitimate. The fact of the prophecy, he contends, defines his sin, and so he acts justly in seeking to avoid the crime. The Romans

object that he has extracted his gift by art, by which they mean artful speech. They rightly understand that the unnamed gift raises the question of rhetoric. Patricida's answer, by no means satisfying, is to contrast Greek subtlety with artless, direct Roman speech: "Non pictis nugis rigidi placuere Catones; / Sermo patens illis et sine veste fuit" (p. 36). At base, his claim is that the ambiguous sign of the gift has been defined precisely. The city has conceded its gift freely in goodwill as an act of faith in him. The definition he gives to it finally brings into relation the shifting terms of public speech and the moral reflections of inner discourse.

In most manuscripts, Bernardus's poem ends with Patricida's divestiture and his determination to redeem his vow. One twelfth-century manuscript adds twenty-six lines, not all of them clear, in which the father and son dispute his choice further and the judges render their opinion.³³ The additional lines restate the paradox and offer a vague affirmation that the gift should be appropriate to the achievements: "Sed dentur meritis consona quaeque suis" (p. 38). Barthélemy Hauréau rejects these lines as an interpolation, citing their obscurity and bad style (p. 8). He is probably correct, but the addition is a useful witness in at least one respect. The ending supplied by the addition is no ending at all; it offers no resolution to the story, no reversal of perspectives that lifts the characters out of the dilemma. Read as a response to Bernardus's poem, the passage affirms the open-endedness of the story and the conventions of the genre as a whole. It may add a *sententia* to Bernardus's dramatic and uncompromising climax, but the questions raised by the poem remain conspicuously unanswered.

II

The rich possibilities of invention that Bernardus found in *Declamatio* 4 appear as well in a second poem derived from the imaginary lawsuits in pseudo-Quintilian. In two manuscripts, the *Mathematicus* is followed immediately by a poem entitled "De gemellis," based on *Declamatio* 8, the case in which twins fall ill and one must be sacrificed to save the other.³⁴ The poem appears in eleven manuscripts, dating from the twelfth through the fourteenth centuries.

³³ Edited in W. Wattenbach, "Beschreibung einer Handschrift mittelalterlicher Gedichte (Berl. Cod. theol. oct. 94)," *Sitzungsberichte der Königlich Preussischen Akademie der Wissenschaften zu Berlin* (1895): 127–28. Dronke, *Fabula*, 134–35 n. 4, proposes a reading to resolve the obscurity of the additional lines.

³⁴ The poem follows the *Mathematicus* in *P* and *V* (see below for sigla); in *T*, the *Mathematicus* and "De gemellis" are separated by a poem on the ruin of Troy (Walther, *Initia*, no. 11665).

- D* Douai, Bibliothèque Municipale 749, fol. 105v (s. xii/xiii)³⁵
H Cambridge (Mass.), Harvard University, Houghton Library ms Lat 300, fols. 7v–8r (s. xii)³⁶
L Leiden, Bibliotheek der Rijksuniversiteit B.P.L. 102, fol. 27v (s. xi/xii)³⁷
O Oxford, Bodleian Library Rawl. G. 109, pp. 57–60 (ca. 1200)³⁸
P Paris, Bibliothèque Nationale lat. 6415, fol. 91r–v (s. xii/xiii)³⁹
V Vatican City, Biblioteca Apostolica Vaticana Reg. lat. 370, fol. 231r–v (s. xiv)
B London, British Library Cotton Titus A.xx, fols. 154v–155v (s. xiv)⁴⁰
S St. Omer, Bibliothèque Municipale 115, fols. 92v–93r (s. xii/xiii)
T Tours, Bibliothèque Municipale 300, fol. 74v (s. xii)⁴¹
W Vienna, Österreichische Nationalbibliothek 609, fols. 42v–43v (s. xiii)
Z Zurich, Zentralbibliothek C.58, fol. 15r–v (s. xii)

³⁵ A. Boutemy, "Notice sur le manuscrit 749 de la Bibliothèque Municipale de Douai," *Latomus* 3 (1939): 288–90.

³⁶ Description in Amans-Alexis Monteil, *Traité de matériaux manuscrits de divers genres d'histoire*, new ed., 2 vols. in 1 (Paris, 1836), 2: 177–79. The notice published by André Vernet, *Bulletin de la Société Nationale des Antiquaires de France* (1952–53): 52–53, describes the collection as twelfth-century but dates the manuscript to the beginning of the thirteenth century. In the most recent study, Jan Ziolkowski, "A Bouquet of Wisdom and Invective: Houghton ms. Lat 300," *Harvard Library Bulletin*, n.s. 1.3 (1990): 23, dates *H* to the third quarter of the twelfth century. He proposes, "Most of the poems—such as those celebrating Geoffrey Martel le Jeune and King Louis VI—were presumably composed during the first half of the twelfth century for an audience in the region running from Anjou through the Île de France. The biblical epigrams point more narrowly toward Tours. . . . The two forensic declamations also suggest Tours" (*ibid.*, 28; cf. *ibid.*, 30).

³⁷ P. C. Molhuysen, *Bibliotheca Universitatis Leidensis. Codices Manuscripti III: Codices Bibliothecae Publicae Latini* (Leiden, 1912), 53–54, dates the relevant part of the manuscript to the eleventh century and considers the hand that executed the "De gemellis" slightly more recent. But Lynn Thorndike ("More Manuscripts of the *Dragmaticon* and *Philosophia* of William of Conches," *Speculum* 20 [1945]: 86) and André Vernet ("Un remaniement de la *Philosophia* de Guillaume de Conches," *Scriptorium* 1 [1946–47]: 253) argue for a date in the twelfth century. See also R. H. Rodgers, *An Introduction to Palladius*, Institute of Classical Studies, Bulletin Supplement 35 (London, 1975), 156–57.

³⁸ Full description in A. G. Rigg, "Medieval Latin Poetic Anthologies (IV)," *Mediaeval Studies* 43 (1981): 472–97. Rigg proposes that *O* and *B* were copied from a common exemplar (*ibid.*, 480).

³⁹ André Vernet, "Poésies latines des XII^e et XIII^e siècles (Auxerre 243)," *Mélanges dédiés à la mémoire de Felix Grat*, 2 vols. (Paris, 1946, 1949), 2: 256, dates *P* to ca. 1200 and identifies it as a volume of Cistercian origin. On dating, see also Vernet, "Un remaniement," 256.

⁴⁰ A. G. Rigg, "Medieval Latin Poetic Anthologies (I)," *Mediaeval Studies* 39 (1977): 285, says *B* was compiled in the London area after 1367; see also *ibid.*, 292–93.

⁴¹ A fold runs across the folio containing the poem in *T*, making it difficult to construe the text. I am grateful to Mme P. Laurent (Conservateur, Bibliothèque Municipale de Tours) and Professor Pierre Aquilon (Université de Tours) for examining the manuscript and correcting several readings.

Charles Fierville published the first edition of the poem, using *S* as the basis for his text.⁴² Jakob Werner published a transcription of the text in *Z* and a later edition of the poem.⁴³ The text given below is based on *P*; it lacks the final couplet added in *S* (see variants, below) which renders the court's judgment in a vague proverb about keeping one's word.⁴⁴ Omissions, transpositions, and changes in the ordering of lines are indicated in the table following the text.

Base: *P*

Roma duos habuit—res est non fabula uana,
 Auctores perhibent et pagina Quintiliana.
 Fuderat ut geminos labor unus parturiendi,
 Sic fuerant forma similes specieque uidendi,
 Et sic miscuerat color unus utrumque decorum, 5
 Quod uox una foret discretio sola duorum.
 Quos sic nature manus ingeniosa potentis
 Finxerat ex anima uel corporeis elementis,
 Ut meminisse queat nichil in rerum genitura,
 Cui sit tantus honos uel tam speciosa figura. 10

De duobus fratribus *W*: de gemellis *V*: Versus de geminis languntibus *Z* 1 Roma] Oma *H*: oma (*corr.* Roma) *L* 3 Fuderat] uderat (*corr.* Fuderat) *L*: Fuderit *S*: Fugerat non *Z* parturiendi] percutiendi *Z* 4 forma similes] similes forma *HLSTWBOVZ* specieque] spetieque *Z* 5 decorum] colorum (*corr.* decorum) *H* 6 Quod] Ut *LW* una] sola *HLTWOZ*: om. *V* discretio sola duorum] solum discrimen eorum *W* sola] nota *L* (*margin.* *L*: fidelus deus) 7 sic] ita *WOZ* 8 Finxerat] Fluxerat *P*: Fecerat *L*: Fixerat *HBO* 9 meminisse] reperire *W* queat] queant *L*: queas *W* queat nichil] nichil queat *O* 10 honos] honor *HSWBO* uel] et *L*

⁴² Charles Fierville, "Notice et extraits des manuscrits de la Bibliothèque de Saint-Omer," *Notices et extraits des manuscrits de la Bibliothèque Nationale et autres bibliothèques* 31, pt. 1 (1884): 126–29. Fierville incorrectly reads "cumque" for "quinque" (line 35), "sentire" for "scire" (line 46), and "incipit" for "inquit" (line 70); he emends "morbum" (from *S*) to "morbumque" (from *P*) at line 63. The poem's contents in *P* are described in Victor Cousin, *Ouvrages inédits d'Abélard pour servir à l'histoire de la philosophie scolastique en France*, Collection de documents inédits sur l'histoire de France, 2d ser., Histoire des Lettres et des Sciences (Paris, 1836), 637; see also *Histoire littéraire de la France*, new ed., vol. 12 (Paris, 1869), 273, which wrongly ascribes the poem to a Digby *Liber Fortunae* (= Oxford, Bodleian Library Digby 46), where a seventeenth-century hand labels the *Experimentarius* of Bernardus Silvestris the *Liber Fortunae*.

⁴³ J. Werner, "Lateinische Gedichte des XII. Jahrhunderts," *Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde* 15 (1890): 406–8; and idem, *Beiträge zur Kunde der lateinischen Literatur des Mittelalters* (Aarau, 1905; rpt. Hildesheim and New York, 1979), 55–58.

⁴⁴ Fierville, "Notice," 129 n. 1, observes that the lines (see variants, below) reappear by themselves in Saint-Omer 710, fol. 118v [actually fol. 119v] (s. xiii). Boutemy, "Notice," 290, says that the lines have nothing to do with the story.

Plurima cum desint felicibus ad sua uota,
 Fluxit ad hos solos rerum perfectio tota,
 Quos tamen excoluit elementis sic moderatis
 Ut nichil esset eis de labe superfluitatis,
 In quibus expressit tanti moderaminis artem, 15
 Quod nullam uoluit magis aut minus addere partem.
 Fecit, et intuitis pede, mento, nare, capillis,
 Tunc magis artificem sese cognouit in illis.
 Turpis ad hos, puer ante iouem qui pocula ponis,
 Turpis eris Mennon, et tu quoque turpis, Adonis. 20
 Felicique diu uixisset uterque iuuenta,
 Ni foret ante diem sibi lux uitalis adempta.
 Sed rota fortune, nunquam raroue fidelis,
 Non sinit ut uiuat homo longo tempore felix;
 Cum uelit humane pacem turbare quietis, 25
 Inuehit infirmi mala corporis inuida letis.
 Sic igitur sicut similes parilesue fuere,
 Sic paribus fati incepit uterque dolere—
 Una mali species, eadem fortuna doloris,
 Hisdem quippe modis et eisdem scilicet horis. 30
 Ut dolor incaluit morbique molestia creuit,
 Protinus et speciem formeque notas aboleuit.
 Qui nunc ergo genas et nunc ornauerat ora,
 Et calor et sanguis secessit ad interiora.
 Quinque iacent sensus in corpore mortificati, 35
 Cernere non possunt oculi languore grauati.

11 Plurima cum] Cum plurima *V* 12 Fluxit] Finit *T* 13 Quos] Hos *Z*
 tamen] simul *L* 14 Ut] Igitur *H* nichil esset] esse queat *L* om. eis *L* labe]
 labe *V* 16 nullam] neutri *S* magis aut minus] minus aut magis *SO* 17 Fecit]
 Finxit *S* et] ut *L* intuitis] intuutis *V* 19 pocula] pocla *H* ponis] ponit
Z 20 eris] erat *HB*: om. *L*: eras *S*: ad hos *WV* Mennon] Memnon *HSZ*: Narcissus
L 21 Felicique] Feliciterque *Z* uixisset] uixiset *H*: uississet *T* 22 diem om.
B 23 nunquam raroue] raro nunquamue *W* 24 sinit] sint *V* felix] felis
T 25 Cum] Dum *S* uelit] uenit *S*: felix (om. uelit) *V* humane] humaneque
B 26 infirmi] infirmis *HSOZ* 27 Sic] Sicut *W* igitur] enim *W* sicut]
 facti *T*: om. *W* similes parilesue] similes parilesque *HTBOZ*: pariles similesque *S*:
 pariles annis specieque *W* 28 paribus] paribusque *S* incepit] incipit *W* uterque]
 utrumque *HSWOZ* dolere] mouere *HSTWBOVZ* 29 mali] mala mali *Z* eadem]
 eandem *O* fortuna] natura *HSWOZ* doloris] coloris *TV* 30 Hisdem] Unus
Z: Isdem *HO* modis] modus *HOZ* scilicet] se mouet *T* 31 dolor] calor
O morbique] morbusque *O* creuit] crescit *T* 32 et] his *O* formeque]
 formaque *H* aboleuit] abolebit *H*: adolescit *T* 33 ornauerat] ornauant *H*: orauerat
V 34 calor] color *HOVZ* 35 Quinque] Ut *H* iacent] iacens *W* sensus]
 senso *T* 36 non] uix *WOZ* oculi] oculis *T* languore] langore *HTBOVZ*

Non ualet escarum guttur sentire sapes,
 Non sentit tractanda manus neque naris odores,
 Surdescunt aures et deficit usus earum;
 Sic oblita iacet rerum natura suarum. 40
 Sed pater inde dolens implorat opem medicorum,
 Et uenere duo, grecus fuit alter eorum.
 Ergo per urinas et uenis sepe notatis
 Querunt unde fluant tante mala debilitatis.
 Sed nec in urinis uel pulsibus inspicientes 45
 Morborum causas potuerunt scire latentes.
 Vincuntur medici, perit et solercia greca;
 Seuit adhuc morbusque latens et passio ceca.
 "Quis modus his morbis, quis finis ad hos cruciatus?"
 Sic pater ad medicos; respondit uterque rogatus, 50
 "Cum simili morbo uideamus utrumque gravari,
 Causa latet morbi, neuterque potest releuari,
 Ni prius alterius in uisceribus uideamus,
 Quis sit et unde fluat dolor, unde modo dubitamus.
 Quilibet ut pereat, uicium redimet medicina; 55
 Si geminis parcas, geminos trahet una ruina."
 Sed pater hoc fieri cernens opus atque necesse,
 Maluit unius quam nullius pater esse.
 Ergo dedit medicis quemcumque magis uoluerunt.
 Membra secant, sedemque mali per uiscera querunt. 60
 Scilicet in ceso medicorum cura notauit
 Quicquid in humanis membris natura creauit.

37 Non] Nec *O* guttur] guttus *T*: gutur *V* sapes] uapores *H*: saporem *SW*
 38 tractanda] contracta *W* odores] odorem *SW* 39 Surdescunt] Surde sunt *Z*
 deficit] deficiit *V* 40 oblita] oblata *W*: obilita (*corr.* oblita) *V*: ablita *Z* 41 Sed]
 At *HSWZ* implorat] inplorat *Z* 42 uenere] uene *Z* alter] unus *V* 43 Ergo]
 Inde *S* 44 tante mala] mala tanta *B*: mala tante *O* 45 uel] nec *HSTWB*
 46 potuerunt] poterant *W* scire] reperire *W* 47 Vincuntur] Falluntur *HSWOZ*
 perit] periit *HW* et *om.* *H* solercia] sollertia *STZ*: sollercia *WOV* 48 morbusque]
 moribusque (*corr.* morbusque) *V* latens] patens *B* ceca] tota (*corr.* ceca) *B* 49 his]
 hiis *B* morbis] morbi *W*: moribus (*corr.* morbus) *V* 50 respondit] respondet *HSTZ*
 51 Cum simili] Consimili *BO* 52 Causa] Ceca (*corr.* Causa) *V* neuterque]
 neutrumque *B* potest] posse *Z* 53 uisceribus] uiceribus *O* 54 Quis] Qui
W dolor] morbus *W* unde] inde *S*: de *W* modo *om.* *H*: quo *W* 55 Qui-
 libet] Quislibet *TO* uicium] unum *S* redimet] redimat *B*: redimit *O* 56 trahet]
 trahit *B* 57 Sed] Tunc *HZ*: At *SWO* hoc] id *HW*: hec *Z* 59 Ergo] *praem.*
 Natorum quidam metuens de morte dolebat hic querens medicos egris conferre uolebat *D*
 dedit] de quo *Z* medicis] medicus *D* quemcumque] quodcumque *T* 60 Membra]
 Membra *DHSWBVZ* sedemque] morbumque *T*: causamque *W* mali] malo *T*
 61 ceso] censo *V* 62 membris] membris *TBO* natura *om.* *P*

Inueniunt causamque mali morbumque latentem;
 Sic alium curant simili languore iacentem.
 Sed mater, gavis nichil de sospite nato, 65
 Semper in alterius nati dolet anxia fato.
 Ergo gemens alium uelut a genitore necatum,
 In ius, in causam patrem trahit ante senatum.
 Femina sicut erat magis ad lites animata,
 Sic prior inquit, "Eram geminorum prole beata; 70
 Hunc peto, qui minus est modo de numero geminorum,
 Quem pater extinxit et iniqua manus medicorum.
 Ferro non morbo periit puer ille peremptus,
 Cum sua fortassis curaret utrumque iuuentus.
 Eger erat plane; tamen ex hoc non moreretur, 75
 Cum suus ex simili frater morbo releuetur."
 Responsurus ad hec surgit pater atque profatur,
 Seque parat uerbis legaliter ut tueatur:
 "Feminei sexus satis ostendis leuitatem,
 Dummodo dampna uides, neque cernis ad utilitatem. 80
 Ni uideat medicus prius unius interiora,
 Curaret neutrum, sed utrumque trahet grauis hora.
 Arguor unde magis potuit laus nostra uenire,
 Nam minus est unum quam binos uelle perire.
 Si duo contingant aliquando pericula dura, 85
 Ex illis facimus minus et leuius nocitura."

63 morbumque] morbum *S* 64 alium curant] curant alium *S* curant] curat *Z*
 languore] langore *DHTBOVZ* iacentem] iacente *H* 65 Sed] At *DHSWZ* mater]
 genitrix *SW* nichil] parum *WBOZ* 67 Ergo gemens] Et plangens *WZ* uelut]
 uelud *DTB*: sic *V* 68 In ius] Iuris *Z* in causam] *add.* in (*corr.*) *B*: *om.* in *V*
 70 Sic] Hec *T* prior] prius *T* Eram] Erat *W* 71 qui] quod *Z* minus] minor
B modo] michi *WZ* geminorum] genitorum *PW* 73 non] *add.* non *W*
 74 Cum] Quem *H* fortassis] fortasis *PHO* curaret] curasset *SW* iuuentus] iuenttus
W 75 plane] dices *DW*: dicit *HSOZ*: *om.* *T* moreretur] moretur *D*: morietur *SWZ*
 76 ex] a *W* simili] ipso *DHSTOVZ* frater morbo] morbo frater *W* releuetur]
 reuelietur (*corr.* releuetur) *O* 77 hec] hoc *DHS* 78 legaliter] legalibus *DSWB*
 79 Feminei sexus] Feminee sortis *Z*: *add.* his *T* ostendis] ostendens *H*: ostendes *B*:
 ostendi *T*: ostendens *Z* 80 Dummodo] Dum in *P*: Cum modo *DH*: Cum duo *B*
 uides] uidens *Z* neque] nec *WZ*: non *B* cernis] tendis *SWO*: tendit *Z* 81 Ni]
 Ne *B* uideat medicus] uideant medici *Z* prius *om.* *V* 82 Curaret] Curarent
Z sed] sedque *V* utrumque] uterque *Z* trahet] trahat *D*: trahat *HOZ*: trahit
B grauis] grauiora *D* 83 Arguor] Auguror *O* potuit] poterat *WO*: posset *Z*
 nostra] mea *V* 84 minus] minoris *Z* binos] duos *Z* 85 Si duo] Et si *W*
 contingant] contigerant *T* aliquando] quandoque *W* 86 leuius] *add.* imperitia (*canc.*) *B*

Res ubi facta fuit et disceptatio talis,
Diffiniuit eam sententia iudicialis.

87 ubi] ut *WOZ* 88 Diffiniuit] Definiuit *HZ* iudicialis] *add.* Cum te pacificum
promiserit os et amicum / debes malle mori quam mens tua dissonet ori *S*: *add.* Ut bona
succedant numquam fieri mala debent *V*

The manuscripts show differences not only in their readings for individual lines and couplets but also in the number and ordering of lines. The table below lists the line ordering based on *P*.

<i>P</i>	<i>H</i>	<i>S</i>	<i>T</i>	<i>L</i>	<i>D</i>	<i>W</i>	<i>B</i>	<i>O</i>	<i>V</i>	<i>Z</i>
1-88	1-14	1-10	1-88	1-10		1-4	1-88	1-6	1-88	1-10
	17-52	17-18		17-18		7-10		8-7		
		15-16		13-14		19-20		9-88		13-14
		19-20		19-20		5-6				19-30
		11-12		11-12		21-24				
		21-30		23		27-30				
	54	35-60				33-42				33-54
	53					45-54				
	57-60				59-60	57-60				57-60
	63-88	63-72			63-88	63-72				63-88
		75-76				75-76				
		73-74				73-74				
		77-80				77-80				
		85-88				83-88				

The full text of the poem appears in five manuscripts (*PTBOV*). Two manuscripts (*DL*) preserve a fragmentary text. *D* begins with a unique couplet (see variants, above) that briefly describes the narrative predicament before the text is joined at line 59, where the father turns one of the twins over to the physician and the mother begins her suit. The fragmentary text in *L* was inserted to fill the space originally left for an illustration in Guillaume de Conches’s *Philosophia Mundi*.⁴⁵ Four other manuscripts (*HSWZ*) offer partial versions of the text. They diverge from each other in their arrangement and omission of lines, particularly in the early portions of the poem, before the father accepts the necessity of sacrificing one of

⁴⁵ Guillaume’s *Philosophia* occupies fols. 1v-41r of *L*. Illustrations are executed elsewhere in the manuscript, and two spaces intended for illustrations (fols. 28v and 32r) are left blank. The “De gemellis” is the only text substituted for planned figures. The copyist evidently had a more complete text than the one preserved in the manuscript because the version transcribed in *L* ends with the first half of a couplet (line 23), and it merely fills up the rubricated space without disturbing the physical layout of the folio.

the twins. The closest resemblances here are found in *SL*. In later parts of the text, from line 57 through the end of the poem, *HZ* (in substantial agreement with *D*) are consistent. For lines 63–88, *W* agrees largely with *S* in its arrangement and omissions.

P diverges from the other four complete texts and the other manuscripts in several ways. At line 4 *P* reads “forma similes” against all other manuscripts (*D* does not contain the line), and at line 28 it reads “dolere” against “mouere” in all other relevant manuscripts (*DL* do not contain the line). *P*’s unique reading “Fluxerat” at line 8 may be an error anticipating “fluxit” at line 12; the other manuscripts diverge, however, in their alternatives (“Finxerat,” “Fecerat,” “Fixerat”). *P* (with *SB*) reads “una” at line 6, where other manuscripts read “sola,” probably by attraction to the phrase “discretio sola” later in the line. *P* and *V* alone record “similes parilesue” at line 27 for the alternate phrasing given in the other sources. At line 29 “fortuna” (*PTBV*) is a better reading than “natura” (*HSWOZ*), since the poet has moved from describing Nature’s formative powers to explaining the illness as the workings of Fortune. At line 47 the same groupings recur: *PTBV* read “Vincuntur” for “Falluntur” (*HSWOZ*). At line 71 *P* and *W* share what is probably an error (“genitorum”) for “geminorum” (*HSTDBOVZ*). Alternative phrasing appears at line 76 (“ex simili” *PB*, “a simili” *W*, “ex ipso” *DHSTOVZ*) and at line 78 (“legaliter” *PHTOVZ*, “legalibus” *DSWB*). At line 80 *P*’s unique reading “Dum in dampna” stands against several alternatives, the most plausible of them being “Dummodo dampna” (*STWOV*).

Many factors (scribal errors, corrupt tradition, *ad hoc* reordering) bear on the arrangement of lines and variant readings, but the manuscripts also reveal something about the process of poetic invention that lies behind the text. The most radical example is the text in *D*, which skips all the initial details of the story and moves quickly to the father’s decision to hand one of his sons over to the physicians. Among the partial versions of the text (*HSWZ*), lines 1–10 are generally constant in their descriptions of the twins as identical products of Nature’s craftsmanship. Lines 11–20, which amplify the theme of Nature’s artistry, show considerable variety, however, in the arrangement of couplets and the degree of rhetorical elaboration. The element of foreboding introduced in lines 21–30 is expressed consistently; only *W* omits the rhetorical dilation on Fortune’s power in lines 25–26: “Cum uelit humane pacem turbare quietis, / Inuehit infirmi mala corporis inuida letis.” In the description of the illness brought by Fortune, *HSWZ* vary only in the extent of elaboration. The most significant difference for the central scenes of the poem, in which the father consults the physicians and their art fails (56), is that *HWZ* do not include the couplet at the end of the physician’s speech: “Quilibet ut pereat, uicium redimet medicina; /

Si geminis parcas, geminos trahet una ruina" (55–56). In the section after the father's decision, all the partial versions agree in omitting lines 61–62, which amplify the description of the autopsy. The final section is complete in all manuscripts except *SW*, which reverse two couplets in the mother's speech, omit lines 81–82, but differ from each other by *S*'s omission of the father's claim, "Arguor unde magis potuit laus nostra uenire, / Nam minus est unum quam binos uelle perire" (83–84). In general, the variations in line order and arrangement do not involve plot or narrative structure but amplification and abbreviation.

At the level of diction and phrasing, the variants mostly show verbal substitution, but in some cases the variants reflect subtle differences in meaning. At line 6 *W* substitutes "solum discrimen eorum" for "discretio sola duorum" in other manuscripts. In describing the twins' illness, the witnesses elaborate the process differently. The reading "infirmis" (*HSOZ*) shifts the adjective into agreement with "letis" rather than "corporis" (26) so that the envious harm of a feeble body inflicted on the prosperous becomes the envious harm of a body wrought on those who are feebly happy. *O* has "calor" for "dolor" (31), and *HOVZ* read "color" for "calor" in describing the withdrawal of bodily humors to the interior (34). *H* replaces "sapores" with "uapores" (37); a purely verbal alteration occurs in the change from plural to singular in *SW* ("saporem / odorem," 37–38). "Surde sunt" (*Z*) is an alternative to "surdescunt" (39). Some manuscripts read "at" for "sed" (41, 57, 65; cf. "tunc" *HZ* for "sed" at line 57). *V*'s substitution of "unus" for "alter" in the phrase "greus fuit alter eorum" (42) does not change the sense, nor does the restored parallelism of "nec pulsibus" (*HSTWB*) in the phrase "Sed nec in urinis uel pulsibus inspicientes" (45). *W* gives a slightly different sense to the physician's effort to discover the hidden cause of illness by replacing the general verb *scire* with *reperire* (46), and *B* uses the adjective *patens* in the sense of "stubborn" as a substitute for *latens* in the sentence "Seuit adhuc morbusque latens et passio ceca" (48). *Z* introduces two unique readings that change the text but not the meaning: "Iuris in causam" for "In ius, in causam" (68) and "uideant medici . . . / Curarent" (81–82) for the singular recorded elsewhere. Other substitutions are largely periphrastic: "ita" *WOZ* for "sic" (7), "feliciterque" *Z* for "felicique" (21), "uix" *WOZ* for "non" (36), "morbus" *W* for "dolor" (54), "id" *HW* for "hoc" (57), "morbumque malo" *T* for "sedemque mali" (60), "genetrix" *SW* for "mater" (65), "parum" *WBOZ* for "nichil" (65), and "Et plangens" *WZ* for "Ergo gemens" (67).

Different conceptions of the action emerge through some substitutions and rephrasings. *WZ* put "michi" in place of "modo" at line 71, accentuating the loss of the child for the mother. In the father's rebuttal, the replacement

of "cernis" (80) by "tendis" (*SWO*) continues the antifeminism expressed in the preceding line and casts the mother's unwillingness to bow to utility as a habitual failing of her sex rather than a particular act of refusal. At line 25 *S* reads "Dum uenit" in place of "Cum uelit." The change gives a different formulation to Fortune's disruption of mankind's tranquility, diminishing the element of intentionality in Fortune's blind malice. The alternatives recorded for line 75 give different inflections to the mother's speech. The majority reading, "plane," reflects a gesture of rhetorical concession: "Clearly the child was ill, but he did not die from this disease." "Dices" (*DW*) and "dicet" (*HSOZ*) soften the tone of concession, while emphasizing the contrast between illness and death. The former directs the speech to the father; the latter, like "inquit" (70), is a marker of direct discourse.

As these examples suggest, rhetorical elaboration rather than narrative structure shifts with line arrangements, and variant readings within lines create alternatives for poetic meaning. These literary effects are themselves contained, however, within a larger scheme of poetic invention. Bernardus reads pseudo-Quintilian for what his student Matthew of Vendôme called the *interior sententia* and *sententiae conceptio*.⁴⁶ He seeks to understand the meaning of his source text and at the same time to locate possibilities of expression latent and potential in it. In a technical sense, he is working with *materia illibata*, subject matter not yet treated in verse. By looking briefly at *Declamatio* 8 we can see what the poet discovered in his material for a new work.

In pseudo-Quintilian the *narratio* casts the story as if its elements were a sequence of propositions. Twins born to a couple become ill. The physicians decide they suffer from the same disease but despair of curing them. One physician promises, however, that he can save one of the twins if he inspects the internal organs of the other. He does so with the father's permission. But when the surviving child recovers, the mother accuses the father of maltreatment (*actio malae tractationis*).⁴⁷ The pleading that follows this narrative outline presents only the mother's case. As in most of the *Declamationes*, the speech follows a conventional rhetorical structure.⁴⁸ Here in particular it revolves around two major points. The mother's advocate contends that

⁴⁶ Matthew of Vendôme, *Ars versificatoria* 3.52 (Faral, *Les arts poétiques*, 180).

⁴⁷ D. R. Shackleton Bailey, "Emendations of Pseudo-Quintilian's Longer Declamations," *Harvard Studies in Classical Philology* 80 (1976): 200, says that the action is brought when a woman with children has no other recourse under law; cf. Bonner, *Roman Declamation*, 94-95.

⁴⁸ Lewis A. Sussman, *The Major Declamations Ascribed to Quintilian: A Translation*, *Studien zur klassischen Philologie* 27 (Frankfurt am Main, 1987), p. iii.

the other child could have been saved and that the father overstepped the bounds of his authority by taking the decision on himself alone.

The first point flatly contradicts what are given as the facts of the case: "consulti medici dixerunt eundem esse languorem."⁴⁹ The advocate insists repeatedly that the illness need not have been the same for each child. He thus attacks the reliability of the physicians' judgment in a way quite alien to the logic of the narrative outline. Part of his attack includes the casuistic argument that the twins could not have been suffering from the same disease, since one of them has recovered: "quid refert, an medici consenserint utrumque perituum, cum eundem dixerint esse languorem? manifestum est de duobus non dixisse verum, quos de altero constat esse mentitos" (p. 153). Along these lines, he contends that the brothers were not twins but individuals, so that the illness suffered by one could not be predictive of what afflicted the other: "quod pariter languerunt, non sic accidit quomodo fratribus, sed quomodo duobus" (p. 164).⁵⁰ The second major point—the limits of the father's authority—is connected to the appeal of pathos. While not questioning the traditional prerogatives of a father over a Roman family, the advocate claims that the father isolated himself from family in making the decision on his own: "non propinquos consuluit, non amicos, sed sua tantum persuasione medicique contentus" (p. 155). He charges, "non adhiberes propinquos, non interrogares amicos, non respiceres ad matris animum" (p. 162).⁵¹ He contrasts the father's supposed detachment from his sons' predicament to the mother's emotionally charged responses, as she vainly pounds on the door of the sickroom and later grieves over the remains of the twin sacrificed in the autopsy. The issue, he charges, is a usurpation of power unwarranted by custom or nature: "mali tantum patris interest, ut matri minus liceat" (p. 158).

"De gemellis" takes the *narratio* of *Declamatio* 8 as its chief source but relies on the advocate's pleading for some of its thematic complication. Bernardus replaces the statement of facts in the lawsuit with an appeal to history and textuality. Invoking the distinctions of Cicero's *De inventione* (1.19.27) and the *Rhetorica ad Herennium* (1.8.13), he characterizes his story

⁴⁹ *Declamationes*, ed. Håkanson, 151; references are to page numbers in this edition.

⁵⁰ The point is elaborated later in the speech: "nunquam in alienis visceribus invenias totum, quod de altero quaeras, et alius languor est, <si> alius aeger" (ibid., 168). Shackleton Bailey, "Emendations," 201, discusses some of the textual problems related to this claim.

⁵¹ In the speech, the father's supposed isolation from family extends naturally to his diminution of the wife's role and her sphere of authority: "solos ergo communicabit misera planctus, et ab omnibus consiliis, quibus ordinatur iuventa, vita disponitur, extranea vilitate seposita, circa maerore tantum lacrimarumque consortium orbitate iungetur?" (*Declamationes*, ed. Håkanson, 157).

as *res gesta*, historical fact rather than fiction (*fabula*) or, implicitly, a case based on a plausible event (*argumentum*). It has, he says, the additional warrant of being cited by the *auctores* and Quintilian. He also goes beyond the original stipulation that the brothers were twins to represent them (5–20) as identical creatures who fully realize Nature’s artistry. Some suggestion may have come from the advocate’s point in the declamation that men are a composite of elements (“nos elementorum varia compago formavit” [p. 161]). Certainly, the final image of the mother in the advocate’s speech ironically evokes the goddess Natura, for the mother gathers up the scattered limbs and symbolically recomposes the dead child after the autopsy.⁵² A closer model probably comes, however, from the plans for shaping man in the *Microcosmus*. Urania’s speech to Nature emphasizes the harmonious joining of parts to achieve what “De gemellis” describes as “rerum perfectio tota” (12):

Quadret opus, faciatque suum iunctura decorem:
Velle dei, desit solido n<ichi>l.
Velle dei, mixtura mo<dum, mod>ulatio nexum,
Nexus amititiam pariat sacer . . . (*Microcosmus* 4.5–8).

Bernardus’s portrayal of Patricida as an exemplar of Nature’s formative power in the *Mathematicus* offers a parallel case for the elaboration in the “De gemellis.” The lines “In cujus facie Naturae cuncta potentis / Argumenta patent” (*Mathematicus*, p. 21) echo against “Quos sic nature manus ingeniosa potentis / Finxerat ex anima uel corporeis elementis” (“De gemellis,” 7–8).

In its portrayal of Fortune and description of the illness, the medieval poem elaborates further on its source. The advocate in pseudo-Quintilian introduces Fortune as a way of trying to differentiate between the twins and so attack the supposition that their identity justified the sacrifice of one to save the other; he appeals to the commonplace of men born at the same moment suffering vastly different fortunes (pp. 156–57).⁵³ Fortune in “De gemellis” is not merely an explanation of discrepancies in worldly prosperity but an active agent, inflicting illness in proportion to the identity of the twins: “Sic igitur sicut similes parilesue fuere, / Sic paribus fatis inceptit uterque dolere— / Una mali species, eadem fortuna doloris” (27–29). The

⁵² “Quod solum tamen potui, corpus quod medicus, quod reliquerat pater, hoc sinu misera collegi ac vacuum pectus frigidus abiectisque visceribus rursus implevi, sparsos artus amplexibus iunxi, membra diducta conposui et de tristi terribilique facie tandem aegri cadaver imitata sum” (ibid., 174).

⁵³ St. Augustine makes the same point in recounting Firminus’s story of his birth (*Confessions* 7.6.8), which Augustine takes as final and decisive evidence against the astrologers.

illness itself is presented as a mystery; the poet consciously describes it in its negativity (31–40). The unnamed *dolor* obscures the characteristics of the patients, draws heat and blood inside the body, and impairs the senses.⁵⁴ Like the signs of the *Mathematicus*, it creates profound and menacing ambiguity.

The doctors summoned by the father differ from the figure portrayed in pseudo-Quintilian. The advocate in the oration associates obscurity with the physician rather than with the disease: “tu nunc hoc putas profundae artis esse secretum?” (p. 166). He also claims that the autopsy as much as the illness renders the body obscure (p. 169). Bernardus, adding the detail that one of the physician’s summoned by the father is Greek, emphasizes that the usual signs for identifying illness fail to reveal the causes. Obscurity resides not in human motives but in the disease that cannot be identified or named. Moreover, he represents this illness in terms that closely echo the theme of hiding and concealment in the *Mathematicus*. The couplet “Sed nec in urinis uel pulsibus inspicientes / Morborum causas potuerunt [medici] scire latentes” (45–46) tropes the description of the knowing astrologer: “Qui poterat . . . / Naturae causas secretaque scire latentis” (*Mathematicus*, p. 16). The language used for uncontested and imminent meaning in one poem serves as the vehicle of uncertainty in the other.

The speeches that occupy the final portion of “De gemellis” diverge from the poem’s source in their themes and emphases. In pseudo-Quintilian, the mother speaks only through the impersonated voice of her advocate, and the father is altogether silent. The medieval poem stages a scene of accusation and rebuttal between the principals. Although the poem makes it clear that finding the cause of illness in one child allows the other to be cured (63–64), the mother argues, “Ferro non morbo periit puer ille peremptus” (73). No longer a figure strictly of pathetic appeal, she takes over the advocate’s argument that the recovery of one son proves that the other could not have been suffering from the same illness: “Eger erat plane; tamen ex hoc non moreretur, / Cum suus ex simili frater morbo releuetur” (75–76). The father’s response is both an attack *ad feminam* and an appeal to necessity. Scorning

⁵⁴ The description of illness in “De gemellis” recalls a similar passage in “De accessu febris” (Walther, *Initia*, no. 6601), a poem which Ziolkowski regards as part of a unified sequence of poems in *H*. Text in Ziolkowski, “Bouquet,” 31:

Vis perit exterior, quia ui caret interiore;
Singula membra iacent, proprio uiduata uigore.
Lux caligat, hebent aures nec gaudet odore
Naris, et esca gulam non mitigat ulla sapore,
Priuanturque manus tactu rerumque tenore (lines 4–8).

the fickleness (*leuitas*) of women, he tells her, "neque cernis ad utilitatem" (80), and he asserts the need to inspect one child in order to avoid catastrophe for both. The antifeminism here is reminiscent of the theme voiced by the mother in the *Mathematicus*, and the father's claim that he has committed the lesser harm ("minus et leuius nocitura") presents the same paradox that Patricida faces. In some measure, the father's refutation looks back to the barrage of charges made against him by the advocate in the declamation (his supposed lack of feeling, for instance, and his willingness to kill the sick). But the affinities are equally close to the predicaments of the *Mathematicus*. Like the characters in that poem, the father must take action in the face of indeterminate, ambiguous, and hidden meaning. Though less attractive than Patricida and his well-matched parents, he occupies the same ground of contingency and problematic moral choice.⁵⁵

Bernardus's thematic complexity becomes still more apparent when his poem is seen against another medieval treatment of *Declamatio* 4. Odo of Chariton retells the story from the *narratio* in pseudo-Quintilian with small changes in wording and the addition of lines quoted from the mother and father which correspond to their arguments in the "De gemellis."⁵⁶ Odo omits mention of the death and autopsy, for his chief concern is with an allegorical interpretation of the story.⁵⁷ In Odo's interpretation, the twins represent the body and soul who fall ill when they begin to sin. Just as

⁵⁵ It is the ground, too, that Bernardus assigns to man below the stars, hence subject to mutability: "Unde homines, quia locum incolunt inquietum—tumultus instar veteris—motus permutationum necesse est experiri" (*Microcosmus* 5.21).

⁵⁶ Odo of Chariton, *Fabulae*, in *Les fabulistes latins*, ed. Léopold Hervieux, 5 vols. (Paris, 1884–99), 4:403–4; the same text is printed in 2:701. Curing one twin by another is a variation of the motif described in Stith Thompson, *Motif-Index of Folk-Literature*, rev. ed., 6 vols. (Bloomington, 1955–58), 2:394, D2161.5.6 As a type, the story corresponds to the Two Brothers (Type 303); see Antti Amatus Aarne, *The Types of the Folk-Tale: A Classification and Bibliography*, trans. Stith Thompson (Helsinki, 1928). Among other medieval versions, romances such as *Amis and Amiloun* employ the narrative type; see the discussion in *Amis and Amiloun*, ed. MacEdward Leach, Early English Text Society, o.s., 203 (London, 1937), pp. xxxv–lxv. These versions often, however, treat the story as an example of friendship. In Bernardus's poem, the twins take no action and make no decisions themselves.

⁵⁷ Odo: "Narat philosophus de duobus gemellis quod egrotare ceperunt; consulti medici dixerunt eandem esse infirmitatem. Desperantibus reliquis, promittit se vnus ad alterum sanaturum, si alterius vitalia inspexisset. Permittitur a patre, accusatur a matre male tractationis. Dicit pater: Vt vnus sanaretur, alius interiet. Respondit Mater: Vt vnus sanabatur, ita alius sanari potuit. Tandem Pater: Considera vtrumque peritum et gaudebis vnum esse retentum" (*Les fabulistes latins*, ed. Hervieux, 4:403).

Pseudo-Quintilian: "Gemini, quibus erat mater et pater, aegrotare coeperunt. consulti medici dixerunt eundem esse languorem. desperantibus reliquis promisit vnus se alterum sanaturum, si alterius vitalia inspexisset. permittente patre executi infantem et vitalia inspexit. sanato uno accusatur pater ab uxore malae tractationis" (*Declamationes*, ed. Håkanson, 151).

a sick man loses fortitude and beauty, he says, so a sinner loses continence, good works, and the beauty of grace. The physicians are prelates and confessors, who advise that one twin must die so that the other may recover. The father and mother are reason and sensuality, respectively, and these allegorical identifications explain why the former accepts the physicians' advice and the latter rejects it. Thus the father's decision is justified by St. Paul: "Si secundum carnem vixeritis, moriemini; si spiritu facta carnis mortificaueritis, viuētis" (citing Romans 8:13).⁵⁸

III

Another poem, entitled "Pauper ingratus," immediately follows "De gemellis" in four manuscripts (*PHSV*) and shares its concerns with Fortune and the hidden causes of things. The story is taken from Seneca's *Controversiae* 5.1, which argues the case of a man who has suffered shipwreck and lost his wife and three children in a fire at his home. Despondent, the man attempts to hang himself, but a passerby cuts the noose and saves him. The would-be suicide then brings suit. The passerby, responding to the suit, argues that it is the nature of Fortune to bestow and reclaim gifts and that no man can expect to remain always in the same circumstances. He argues, too, for the efficacy of hope. This much at least, he says, Fortune has left: "Spes est ultimum adversarum rerum solacium."⁵⁹ Furthermore, he contends that the plaintiff made an implicit choice to live after his shipwreck and the loss of his family and that he selected a place where he could be prevented from committing suicide. The claimant contends, on the other hand, that he has no complaint about Fortune. His dispute stems from the fact that the passerby imposed his own will on him, in effect forcing him to die at another's will rather than his own: "Iniuria est ut qui meo arbitrio debui tuo moriar" (p. 472). Fortune left him nothing but the noose, he says, and the passerby has deprived him of that. Behind this symbolic loss lies a silence that has been punctured. The man has lost not only worldly possessions but an entire household ("Amisi uxorem, liberos, patrimonium"). Robbed of the means of remedy, he is forced to put these losses into language. Death offered him, he argues, a way to avoid relating the narrative of his privation: "Ne haec narrarem mori volui"

⁵⁸ *Les fabulistes latins*, ed. Hervieux, 4:404.

⁵⁹ *Declamations*, trans. Winterbottom, 1:472; references are to page numbers in this edition.

(p. 474). His survival, he says, responding to the final point, was not elected; he was tossed up on the shore.

The medieval poem based on this story is preserved in half a dozen manuscripts, which offer among them three different versions of the text.

Ag Angers, Bibliothèque Municipale 241, fols. 19v–20r (s. xiii)

Ax Auxerre, Bibliothèque Municipale 243, fol. 17v (s. xiv)

H Cambridge (Mass.), Harvard University, Houghton Library ms Lat 300, fol. 8r (s. xii)

P Paris, Bibliothèque Nationale lat. 6415, fol. 91v (s. xii/xiii)

S Saint Omer, Bibliothèque Municipale 115, fol. 93r (s. xii/xiii)

V Vatican City, Biblioteca Apostolica Vaticana Reg. lat. 370, fols. 231v–232r (s. xiv)

S records an eighteen-line version of the poem containing the essential narrative elements. *HPV* have a twenty-eight line poem that elaborates the basic elements. *Ag* and *Ax* amplify the version in *HPV*, adding four lines about the claimant's decision to bring the action. The versions differ, then, not in the abstract story but in the degree to which they elaborate common narrative elements. Édélestand du Ménil based his edition on *P*.⁶⁰ L. Auvray printed a text based on *V*.⁶¹ André Vernet published another version of the poem in his study of the contents of *Ax*.⁶² *Ag*, a thirteenth-century collection of sermons and proverbs with a small group of poems, furnishes a full text against which others can be usefully compared. It is the base manuscript for the text given below; the variants record alternate readings from *Ag* and the other sources but not orthographic differences.

Base: *Ag*

Mesta⁶³ parens misere paupertas anxietatis
Afflictis satis est dura superque satis.

De quodam qui pro paupertate se suspendit *P*: de paupere ingrato *V* 1 Mesta]
Missa *Ag*: Esta *H*: Vesta *V* 2 Afflictis] Afflictus *AxH* est] es *P*

⁶⁰ Édélestand du Ménil, *Poésies populaires latines du moyen âge* (Paris, 1847), 9–10. Cousin, *Ouvrages*, 637–38, describes the poem in *P*; see also *Histoire Littéraire de la France* 12:273.

⁶¹ L. Auvray, "Note sur un ancien manuscrit de l'abbey de Saint-Denis (Vatican. Reg. 370)," *Bulletin de la Société de l'Histoire de Paris et de l'Île-de-France* 21 (1894): 72–73.

⁶² André Vernet, "Poésies latines," 256–57.

⁶³ André Wilmart, *Bibliothecae Apostolicae Vaticanae codices manu scripti recensiti: Codices Regenses Latini*, 2 vols. (Vatican City, 1937–45), 2:360, reads "Testa" for "Mesta."

Infelix quidam, sic ductus ad ultima rerum,
 Quod genus omne mali deprimeret miserum,
 Exosus uitam, ne semper egeret egenus, 5
 Elegit laqueum mortis habere genus;
 Collaque subiciens laqueo, quem sponte ligarat,
 Ut finire malum possit, obire parat.
 Iam quodcumque potest homo morte doloris habere
 Senserat in laqueo mortuus ille fere, 10
 Cum celer accurrens quidam sibi uincula rupit
 Et facit ut uiuat qui periisse cupit.
 Ut tandem lingue uox reddita, spiritus ori,
 Querit et agnoscit cur uelit ille mori.
 Compatiens igitur miserande pauperiei 15
 Mensibus undenis cuncta ministrat ei.
 Cum satis afflicto dominus fecisse putaret,
 Destitit et placuit ne sibi plura daret.
 Redditus antique miser anxius asperitati
 Fleuit et incepit rursus amara pati, 20
 Et solitum repetens ex paupertate dolorem,
 "Utilius," dixit, "mortuus ante forem."
 Ergo uirum, furca qui soluerat illaqueatum,
 Protrahit in causam iudicis ante statum
 Et causatur eum, qui mortis ruperat horam, 25
 Cum nullam uite uellet habere moram,
 Et quia sub laqueo iam senserat exicali
 Quicquid habere potest mors inimica mali.
 Ergo sub adstricto legum discrimine querit
 Iudicium rursus, cur moriturus erit, 30

3 Infelix quidam] Pauper erat rome S 4 Quod] Ut HS deprimeret] reprimeret V
 5 Exosus uitam] Idque miser cernens S egenus] *add. lin.* Collaque subiciens laqueo
et canc. V 6 laqueum] laqueo Ax mortis] morti H 7-8 *om. S* 9 quod-
 cumque] quicumque HS potest *om. P* 10 in laqueo] infelix H 11 accurrens]
 adcurrrens (*corr. accurrens*) H quidam] miles AxHPV 13-14 *om. S* 13 lingue]
 uite AxPV 14 ille] ore H: ipse PV 19-22 *om. S* 19 asperitati] prosperitati
 (anxietati *corr.*) V 20 Fleuit . . . pati] Que passus fuerat cogitur ecce pati P et]
 ut Ag 21 repetens] referens AxV 23-24 *om. P* 23 uirum] miser AxS furca]
 dominum S qui] quem Ax 25-26 *om. PS* 25 qui] quia Ag 27-28 *om.*
 HS 29-30 *om. S* 29 legum] legem V 30 cur] quod Ag

Cur uel egere⁶⁴ sinat quem non sinit ut moriatur:
Res hec iudicibus discutienda datur.

31 egere] gere *V* sinat] signat *Ax* quem] uel *S* 32 hec] est *H*: ea *S*
datur] *add.* Explicit hoc totum pro pena da mihi potum *V*: *add.* obliuiscere populum tuum
et cetera. Ecclesiastici xi. In uestibus ne glorieris unquam. Jeronymus[:] qui sordido erubescit
ornatu nunquam gloriabitur precioso[:] Illum facit humana derisio deo pro christum quem
a prauitate uite innocencia fecerit alienum[:] Cum omnis fortuna sit timenda magis timenda
est prospera quam aduersa quia sepe bonum quod non tollit aduersitas premens tollit adulatio
mulcens *H*

The manuscript tradition presents differences that divide into two kinds. The first is a small group of genuinely alternate readings. Most of them are recorded in *S* or *P*. *S* echoes part of a line from Bernardus's *Mathematicus* ("Miles erat Romae"), changing the unhappy man of Seneca and the medieval versions to one of the Roman poor: "Pauper erat Rome." Other manuscripts mention the intensity of his despair at line 5, but *S* suggests a sequence of reflection, in which misery besets him and, seeing his circumstances, he resolves to end his life: "Idque miser cernens." Later, when the pauper brings his case, *S* gives an alternate phrase ("Ergo miser dominum" for "Ergo uirum furca," 23), which accents the difference in position and status between the two figures rather than the apparent ingratitude of one toward the other. *P* (with *Ax*, *H*, and *V*) identifies the benefactor as a knight ("miles," 11) instead of the unidentified passerby of Seneca and the other versions. It also agrees with *Ax* and *V* at line 13, in the phrasing that describes the pauper's revival ("uite uox reddita"), though the other two sources (*Ag* and *H*) offer a better reading ("lingue uox reddita") which retains the logic of the grammatical parallelism with "spiritus ori," the common element in all manuscripts. *P* is unique in recording an entirely different reading at line 20: "Que passus fuerat cogitur ecce pati." This reading, like the gap between lines 23–24 and 31–32 in *S*, does not disrupt the narrative sense of the passage, for the poem moves from the pauper's renewed distress to his seeking remedy under the law.

The second kind of difference arises from the pattern of amplification. Since the poem is written in rhymed couplets, additions or deletions involve in every instance pairs rather than single lines. In all the manuscripts, the opening six lines and the final couplet appear, as do lines 9–12 and 15–18; in addition some combination of lines 23–30 is present. The fundamental

⁶⁴ Auvray, "Note," 73, proposes that *V* may read "languere"; Vernet, "Poésies latines," 257, also records the possibility.

structure of the poem thus includes five narrative elements: an opening *sententia* (as in the *Mathematicus*) with a description of the attempted suicide, the passerby's intervention, his compassionate but limited beneficence, the pauper's bringing suit, and the paradoxical question given to the court for resolution. *S* contains the least elaborated form of the narrative; its very economy resembles the *narratio* that prefaces the forensic debate in Seneca. *HPV* include lines that verbally amplify the action of the suicide and intervention, and express the depth of the man's despair when he is returned to poverty (19–22). They diverge from each other in the way they present the pauper's bringing his benefactor to trial. *H* stresses the irony of taking legal action against the man who intervened to save a life, but at the same time it registers the sense of transgression voiced earlier in the *Controversiae*. Seneca's claimant says, "Quisquis intervenis, si amicus es, defle, si inimicus es, specta" (p. 472). The narrator of the medieval poem in *H* fashions this inaction as a moment in which the specific time of death ("mortis . . . horam") plays off the indefinite extension of life and therefore misery ("uite . . . moram"): ". . . causatur eum, qui mortis ruperat horam, / Cum nullam uite uellet habere moram" (25–26). *P* by contrast attributes a sense of renewed and unbearable contingency to the pauper's motive. Returned to his former misery, he experiences the loss of the stranger's beneficence as the imposition of a death sentence: "sub laqueo iam senserat exicali" (27). It is thus that he is led to seek judgment "sub adstricto legum discrimine" (29). Implicitly, the plea before the court is to ratify one of two unacceptable fates—death by suicide or death by neglect.

These amplifications differ significantly from the largely verbal expansions earlier in the text, for they offer distinct and contrasting motives for the suit undertaken by the pauper. In *Ag* and *Ax* the narrative sections build to a cumulative effect. The pauper brings his action against the man who saved him and intervened to extend his life; now recognizing the consequence of that action, he asks for a judgment whether he should die or suffer the misery he sought to escape by trying to kill himself. It is worth noting, however, that most of the thematic resonance of the poem derives from the narrative rather than the amplifications. In other words, we must look to what Bernardus elaborates from Seneca's text in order to grasp the meaning of his poem. Seneca's story is about the destruction of a Roman household. "Domus meae fata claudio," says the survivor, and his misery consists in being the last of the household to die ("nullo miserior quam quod ultimus morior" [p. 474]). Bernardus translates this loss to poverty. The defining social institution of the classical story is transformed to a condition. The particularities of shipwreck, fire, and death become a general predicament. The fourteenth-century reader who added a gloss to the poem

in *H* responds to this reconception in terms familiar from Boethius: "Cum omnis fortuna sit timenda magis timenda est prospera quam aduersa."⁶⁵

Bernardus's invention is further apparent in his changing the role of the passerby. In Seneca, the man acts merely to forestall the suicide. As he explains in defending himself, "Miseritus sum nec in te amplius quam periculum cogitavi" (p. 472). The surrounding circumstances are unknown to him; in fact, they are unknowable until after he acts. Bernardus redefines the man's idea of compassion, for in "Pauper ingratus" the man acts not only to save the other from death but also to alleviate his poverty. The decisive point in the story is reached when the pauper is turned out after eleven months of care. The reason for the time limit likely originates in laws regarding prescriptive right. Under Roman law going back as far as the Twelve Tables, *dominium* (ultimate ownership) could be acquired by possession for a certain period of time (*usucapio*), usually two years for land and one year for moveable property.⁶⁶ Medieval customary law incorporated the Roman principles in various ways.⁶⁷ A capitulary (6.2.1) added by Childebert II to Clovis's *Pactum Legis Salicae* confers possession after a man has held a slave, field, or other property for ten years.⁶⁸ Clovis's original law provides for cases in which a person moves from one village to another; it affords means for resident villagers to object to a newcomer and remove him, but it also provides that, if a man moves into a village, and no one protests for twelve months, he can remain where he settled and enjoy the same security as his neighbors (45.4).⁶⁹ The Systematic Version

⁶⁵ Cf. *Consolatio philosophiae* 2 P 8: "Etenim plus hominibus reor adversam quam prosperam prodesse fortunam" (*Philosophiae Consolationis Libri Quinque*, ed. Karl Büchner [Heidelberg, 1960], 38). See also Hans Walther, *Proverbia Sententiaeque Latinitatis Medii Aevi: Lateinische Sprichtwörter und Sentenzen des Mittelalters*, 9 vols. (Göttingen, 1963–86), nos. 4158 ("Cum fortuna premit, meliora sequentia spera! / Cum fortuna favet, deteriora time!") and 35968 ("Cum omnia tibi prospere succedunt, expectes mutationem!").

⁶⁶ I am grateful to Professor James A. Brundage for advising me on the legal context and suggesting the sources cited here and below. On Roman law, see W. W. Buckland, *A Text-Book of Roman Law from Augustus to Justinian*, 3d ed., rev. Peter Stein (Cambridge, 1963), 241–49.

⁶⁷ See Frederick Pollock and Frederic William Maitland, *The History of English Law Before the Time of Edward I*, 2d ed., 2 vols. (Cambridge, 1898), 2:106–17, for a discussion of time in matters of ownership and possession.

⁶⁸ *Capitula Legi Salicae addita* 6.2.1, in *Pactus Legis Salicae*, ed. Karl August Eckhardt, *Monumenta Germaniae Historica, Legum sectio 1: Legum Nationum Germanicarum*, vol. 4, pt. 1 (Hannover, 1962), 268. Katherine Fischer Drew, trans., *The Laws of the Salian Franks*, *Middle Ages Series* (Philadelphia, 1991), 239 n. 119, identifies the author as Childebert II.

⁶⁹ Text in *Pactus Legis Salicae*, ed. Eckhardt, 176: "Si uero quis migrauerit et <e> infra XII menses nullus testatus fuerit, ubi admigrauit securus sicut et alii uicini <manent ille> maneat."

of the *Lex Salica Karolina* prepared under Charlemagne repeats these provisions with only minor changes in wording (26.4).⁷⁰

By turning out the pauper before a year has elapsed, the benefactor in "Pauper ingratus" avoids the possibility that the pauper might assert prescriptive title to a continuing place in the household. But legalism itself is not the aim of the poem. Bernardus uses the forensic context to frame a question that remains only tacit in Seneca: how much is enough? Seneca's claimant asks something along these lines when he says, "Cui me vitae reservas?" (p. 474), but Bernardus takes it as his controlling theme. Poverty, he says, "Afflictis satis est dura superque satis" (2). The pauper has suffered "genus omne mali" (4). The man who saves him offers sustenance for a period he thinks long enough ("Cum satis afflicto dominus fecisse putaret" [17]) and thereafter gives nothing. The underlying claim of the poor man's suit is that the solace of his death has been taken and not enough given in return. Like Patricida's unnamed gift in the *Mathematicus* and the hidden illness of the "De gemellis," the poem turns on an artful paradox that evades an answer.

IV

The poems we have examined offer a significant perspective on the relation of poetry to rhetoric in the Middle Ages. In all three Bernardus effects a literary and cultural translation with multiple dimensions. The poems move the narratives from prose to verse, from bare outline to literary discourse, from school exercise to art works with a full range of poetic effects and allusions. Moreover, Bernardus translates the paradoxical cases of his classical sources into a milieu vitally engaged with examining problems of Fate and Fortune. On the one hand, twelfth-century writers view these problems in a tradition extending forward from Boethius; on the other, the introduction of scientific works, particularly from Arabic sources, intensifies concerns with man's place in a world ruled by natural law which regulated the species, if not the individual. In his *Cosmographia*, Bernardus situates mankind in relation to the threefold structure of providence, destiny, and memory. Mankind's task is to discriminate what belongs to Fate, free will, and chance. The *Mathematicus* and "De gemellis" explore the implications of choices taken in the face of necessity; the "Pauper ingratus" reflects on

⁷⁰ Text in *Lex Salica*, ed. Karl August Eckhardt, *Monumenta Germaniae Historica, Legum sectio I: Legum Nationum Germanicarum*, vol. 4, pt. 2 (Hannover, 1969), 210: "Si autem quis migrauerit in uillam alienam, et ei aliquid infra XII menses secundum legem contestatum non fuerit, securus ibidem consistat sicut et alii uicini."

the consequences of chance action. Unlike Bernardus's epic, which deals with mankind before history, these poems locate mankind within history and society, in a network of relations to family, dependents, and the state. The *causae* are pieces of anthology literature, yet Bernardus uses them as a means for practical deliberation on the implications of the metaphysics of his poetry. In this respect the work of his invention goes beyond the paradox and enigma he found already present in pseudo-Quintilian and Seneca. Bernardus recasts their fictitious law cases as stories that demonstrate constrained and imperfect knowledge, obscure motives, and moral ambiguity. In them mankind faces not the universe but the world. In their open endings, the poems do not require the solution of a legal riddle; they demand reflection and deliberation on the complexities of experience.

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THE INFLUENCE OF THE *EVANGELIUM NICODEMI* ON NORSE LITERATURE: A SURVEY

Kirsten Wolf

I ntercourse between the centers of learning on the Continent and in Britain and the monasteries and cathedrals of medieval Scandinavia led to the translation of an astonishing number of devotional and doctrinal books. That these books gained immense popularity is shown by their many manuscripts, as well as by the entries in the catalogues of libraries of monasteries and bishoprics in Scandinavia. Much of this ecclesiastical literature has undoubtedly been lost, especially the older manuscripts, written, presumably, on vellum, a fact which made them particularly useful for purposes that eventually led to their destruction. Law codices, leech-books, and the like were preserved because of their continued usefulness, but the religious literature had less of a chance of survival.

The *Evangelium Nicodemi* comprises two originally independent Greek works in Latin named *Gesta* (or *Acta*) *Pilati* and *Descensus Christi ad inferos*, which were joined in an apocryphal gospel probably in the fifth century under the title *Passio Domini* or *Gesta Salvatoris* and later renamed *Evangelium Nicodemi* (a title first found in Vincent of Beauvais's *Speculum Historiale* and Jacobus de Voragine's *Legenda Aurea*) after its alleged author Nicodemus, who assisted Joseph of Arimathea in preparing Christ's body for burial (John 19:39–40). The work evidently enjoyed great popularity in Scandinavia, just as it did elsewhere in pre-Reformation Europe. We still possess the gospel in several manuscripts, despite the attempts of the reformers to exclude such hagiographic literature from their own developing corpus of doctrines and texts.

The present survey of the Norse translations, adaptations, and paraphrases of the *Evangelium Nicodemi* falls naturally in to two main parts: West and East Norse, representing a geographical and linguistic distinction between Norway and Iceland, on the one hand, and Denmark and Sweden, on the other.

I

The oldest rendering of the *Evangelium Nicodemi* into a Norse language is the Old Norse-Icelandic *Niðrstigningsarsaga*, a translation of the *Descensus*

Christi ad inferos. The translation, which is commonly dated to the twelfth century, survives in four medieval Icelandic manuscripts.¹ The oldest of these manuscripts is Copenhagen, Arnamagnæan Institute (AM) 645 4^o, which contains the complete text. It is a collective volume of Latin ecclesiastical literature translated into Icelandic, and *Niðurstigningsarsaga* belongs to the so-called younger part written in all probability in the beginning of the thirteenth century.² The other three manuscripts are defective. AM 623 4^o, which has been dated to about 1325, lacks the beginning.³ AM 233a fol., from 1350–60, consists of the inner column of a leaf in a collective volume. AM 238 fol. V, dated to the fifteenth century, is a single leaf most probably also from a collective volume. As Magnús Már Lárusson has shown, an additional source text is the copy, Reykjavík, Jón Sigurðsson Collection (JS) 405 8^o, of a medieval manuscript made by the farmer Ólafur Jónsson í Arney (ca. 1722–1800) in 1780, which contains the complete text of *Niðurstigningsarsaga*; in addition, it includes a long chapter connecting *Niðurstigningsarsaga* with the story of the Passion, which, as Magnús Már Lárusson demonstrates, cannot have been composed before 1540, the year in which Oddur Gottskálksson's Icelandic translation of the New Testament was published.⁴ The four medieval manuscripts have been edited separately by

¹ Magnús Már Lárusson ("Um Niðurstigningsarsögu," *Skírnir* 129 [1955]: 159–68) dates it to the time of the first bishop of Hólar, Jón Ögmundarson (d. 1121): "Hins vegar skal hafa það hugfast, að saga þessi mun með réttu vera talin meðal hinna elztu ritverka á norrænu, sem varðveitt hafa á Íslandi. Engum vafa er það undirorpið, að hún muni eigi hafa verið rituð síðar en um miðja 12. öld, og líklega fremur fyrr" (p. 160). He does not present any argumentation for his hypothesis, but his view is shared by Ian J. Kirby (*Bible Translation in Old Norse*, Université de Lausanne, Publications de la faculté des lettres 27 [Geneva, 1986], 35). Otto Gschwantler ("Christus, Thor und die Midgardschlange," in *Festschrift für Otto Höfler zum 65. Geburtstag*, ed. Helmut Birkhan and Otto Gschwantler [Vienna, 1968], 145–68) notes, "Sie zählt jedenfalls zur frühesten altnordischen Übersetzungsliteratur und wir können daraus ersehen, daß Christi Sieg über die Pforten der Hölle im nordischen Christentum der ersten Jahrhunderte eine ebenso zentrale Stellung einnahm wie auf dem Kontinent und in England. Es gibt sogar ein Zeugnis, das dafür spricht, daß Christi Höllenfahrt schon zur Zeit des Bekehrerkönigs Olav Tryggvason im Norden bekannt und bei der Missionierung im engeren Sinn von Bedeutung war: Ein Bischof erzählt dem Heiden Finn, der bisher an Thor und Odin geglaubt hat, von den Wundertaten Gottes. Freudig bekennt sich dann Finn zu Christus, der nach seinem Tode so mächtig wurde, daß er mit Heeresmacht in die Hölle zog, dort Thor (!) als den Obersten der heidnischen Götter band, so daß seither keiner der Unholde mehr gegen ihn aufstand. Christus bindet hier seinen Hauptgegner Thor genau so wie im Descensus den Teufel" (p. 152).

² See *Ísländska handskriften No 645 4^o i den Arnamagnæanske Samlingen på Universitetsbiblioteket i København i diplomatarisk aftryk udgivet: I. Handskriftens ældre del.*, ed. Ludvig Larsson (Lund, 1885), ii–iii.

³ See *Ordbog over det norrøne prosasprog: Registre* (Copenhagen, 1989), 339.

⁴ Magnús Már Lárusson, "Um Niðurstigningsarsögu," 167, bases his conclusion on the reading "Eli, Eli lama asaphthani," which appears in both texts. JS 405 8^o has not been the subject of a textual, critical discussion.

C. R. Unger;⁵ AM 623 4^o has also been edited by Finnur Jónsson,⁶ and AM 645 4^o appears in a facsimile edition with an introduction by Anne Holtsmark.⁷ JS 405 8^o has not been edited.

On the basis of a number of Norwegianisms in AM 645 4^o, Eugen Mogk, Didrik Arup Seip, and Hans Bekker-Nielsen make a claim for a Norwegian origin for the translation.⁸ Magnús Már Lárusson, however, considers an Icelandic provenance more likely, and although the question of the translation's national origin may never be answered, it is worth noting that the four medieval manuscripts are all Icelandic.⁹

The relationship among the manuscripts has been debated. G. Turville-Petre notes that the differences among the four medieval texts of the saga are not great and that they are clearly to be traced to the same original translation.¹⁰ His view is supported by two interpolations, which are found neither in the Latin texts nor in related vernacular translations, but which appear in all four manuscripts (AM 645 4^o: pp. 4.18–33, 5.1–12; AM 623 4^o: pp. 10.12–25, 10.32–11.2; AM 233a fol.: pp. 14.27–15.8; AM 238 fol. V: pp. 19.33–20.8, 20.17–24). Turville-Petre also notes that in the translation the original triad of Christ-Satan-Inferus is reduced to a dualism between Christ and Satan, while Inferus is transposed to a host of devils (“jöttnar,” “djöflar,” “ríkistroll,” “helvítisbúar,” “ríkisdjöflar,” “kappar,” “illar vættir,” “helvítisfolk,” “höfuðdjöflar”). Inferus appears personified only in AM 238 fol. V, the youngest text, which leads Turville-Petre to conclude that this is probably due to a revision by a learned scribe. Although it is not explicitly stated, he appears to suggest that AM 238 fol. V is furthest removed from the original, that it has two or more sources, and that, therefore, the stemma is contaminated. Magnús Már Lárusson considers AM 623 4^o closest to the original text, although it is a poor copy of only a section of the text.¹¹

⁵ *Heilagra manna sögur: Fortællinger og legender om hellige mænd og kvinder*, ed. C. R. Unger, 2 vols. (Oslo, 1877), 2:1–20. This edition will be cited by page and line. A new edition is in preparation by Odd Einar Haugen (see n. 13).

⁶ *AM 623, 4^o: Helgensagaer*, ed. Finnur Jónsson, Samfund til udgivelse af gammel nordisk litteratur 52 (Copenhagen, 1927), 1–9.

⁷ *A Book of Miracles: MS No. 645 4to of the Arna-Magnæan Collection in the University Library of Copenhagen*, ed. Anne Holtsmark, Corpus Codicum Islandicorum Medii Aevi 12 (Copenhagen, 1938).

⁸ Eugen Mogk, *Geschichte der norwegisch-isländischen Literatur*, 2d rev. ed. (Strassburg, 1904), 890; Didrik Arup Seip, *Nye studier i norsk språkhistorie* (Oslo, 1954), 84, 135; Hans Bekker-Nielsen, “Nikodemusevangeliet,” in *Kulturhistorisk Leksikon for nordisk middelalder*, vol. 12 (Copenhagen, 1967), cols. 308–9.

⁹ Magnús Már Lárusson, “Um Niðurstigningsarsögu,” 166.

¹⁰ G. Turville-Petre, *Origins of Icelandic Literature* (Oxford, 1953), 127.

¹¹ Magnús Már Lárusson, “Um Niðurstigningsarsögu,” 159.

Gary L. Aho agrees with Turville-Petre that all four manuscripts go back to a common original (*X).¹² AM 238 fol. V he sees as the most faithful witness to *X, whereas AM 645 4^o, AM 623 4^o, and AM 233a fol. are in his view sister-copies presenting a separate recension derived from a nonextant first redaction of *X (*X1). The most exhaustive analysis of the filiation of the manuscripts was undertaken by Odd Einar Haugen.¹³ Haugen agrees with Turville-Petre and Aho that AM 238 fol. V represents a separate recension as opposed to AM 645 4^o, AM 623 4^o, and AM 233a fol., and that these three manuscripts derive from a common source (*X). Contrary to Magnús Már Lárusson's theory, he claims that there is no evidence for any hierarchy among the three manuscripts and points out that in most cases AM 238 fol. V renders the Latin more accurately than the three other manuscripts. Haugen demonstrates that consistent argumentation can be given in favor of both Turville-Petre's stemma, i.e., that the recension represented by AM 238 fol. V is contaminated, and Aho's stemma, i.e., that the recension is not contaminated, and argues that other criteria, such as extratextual ones, must be utilized in order to make a qualified choice. He refers to Turville-Petre's observation that AM 238 fol. V follows the Latin in translating the personified Inferus with the neuter form "helvíti" and argues that it is more probable that a revision would attempt to correct the text as in AM 238 fol. V rather than vice versa as in AM 645 4^o, AM 623 4^o, and AM 233a fol. He supports his hypothesis by pointing out that the archaic language of AM 645 4^o and AM 623 4^o suggests that their common source, *X, belongs to the twelfth century, and that this leaves little margin for a supposed redaction between AM 645 4^o, AM 623 4^o, AM 233a fol., and the first translation (as argued by Aho). He also draws attention to the dates of the four manuscripts and notes that it would seem peculiar that the fifteenth-century AM 238 fol. V was the oldest textual witness to the original translation and that the other older manuscripts were representative of a secondary redaction. Finally, he refers to the two interpolations which do appear in AM 238 fol. V, but which fit in better with the free rendering of the three older manuscripts. Haugen demonstrates that neither of the three older manuscripts can be the source of AM 238 fol. V,

¹² Gary L. Aho, "A Comparison of Old English and Old Norse Treatments of Christ's Harrowing of Hell" (Diss., University of Oregon, 1966), 156.

¹³ Odd Einar Haugen, "The Evaluation of Stemmatic Evidence. Recension and Revision of *Niðrstigningar saga*," in *The Sixth International Saga Conference 28.7.-2.8.1985, Workshop Papers*, 2 vols. (Copenhagen, 1985), 1:423-50, esp. 428-38. This analysis is further developed in "Stamtre og tekstlandskap: Studiar i resensjonsmetodikk med grunnlag i *Niðrstigningar saga*" (Diss., University of Bergen, 1992).

although there are striking similarities between AM 645 4^o and AM 238 fol. V, and that, therefore, the exemplar of AM 238 fol. V must be a manuscript placed on a higher node in the stemma.

Although *Niðrstigningsarsaga* contains only the story of the descent into Hell, the opening and concluding lines suggest that the translator had access to the whole text of the *Evangelium Nicodemi*.¹⁴ The translation is based on the so-called A-group of texts in Tischendorf's edition¹⁵ (the version that was no doubt most widely used in western Europe), though, of course, with the two interpolations added in the middle of the text and with some drastic modifications in the first and last chapters. The translator begins with a note saying that, although this book has not been given the same prominence as other sacred writings, it contains nothing dubious ("Segja menn samsett hava Nichodemum lerisvein drotens," p. 1.10–11) and then begins the story at chapter 2 (18) in the Latin ("Nos autem cum essemus cum omnibus patribus nostris . . ."). The ending also differs considerably from the Latin. The Norse translator ignores the doctrinal character of his source text and concludes with the statement that Charinus and Leucius were not found in their graves after Christ's resurrection, and that their book passed through many hands before it finally ended up in Constantinople. This omission of doctrinal elements in the Latin is one of the characteristics of the Norse translation as is the omission or simplification of repetitive or very detailed accounts. Thus, instead of rendering all five verses of Psalm 30 (8.2 [24] in the Latin), the translator renders only one and mentions that four more verses of that psalm were recited ("iiii. vers sǫng hann af þeim salm framan," p. 7.14–15).¹⁶ In general, the omissions and simplifications are restricted to descriptions that appear superfluous to the movement of the story, although *Niðrstigningsarsaga* is not completely consistent in this respect. A number of rhetorical passages are retained, the Enoch and Elijah story, for example, which is a digression, remains in the translation, and only a few of the many direct and indirect speeches in the Latin are reduced. Some omissions or simplifications include instances in which the translation attempts to be more literal. Thus, figurative language is avoided; the

¹⁴ Magnús Már Lárusson, "Um Niðurstigningsarsögu," 161.

¹⁵ *Evangelia apocrypha*, ed. Constantinus de Tischendorf, 2d rev. ed. (Leipzig, 1876; rpt. Hildesheim, 1966). The numbers in this edition will be given for references to the Latin text (A-group). For a recent discussion of the manuscripts and editions of the *Evangelium Nicodemi*, see Zbigniew Izydorec, "The Unfamiliar *Evangelium Nicodemi*," *Manuscripta* 33 (1989): 169–91.

¹⁶ See Gary L. Aho, "Niðrstigningsarsaga: An Old Norse Version of Christ's Harrowing of Hell," *Scandinavian Studies* 41 (1969): 150–59, esp. 157.

metaphor “oriens” for Christ in the Latin is left out (“... ipse oriens filius dei” [2.3 (18)] > “ipse filius dei” [p. 2.19])¹⁷ as is the simile comparing Lazarus to an eagle (“Nec ipsum Lazarum tenere potuimus, sed excutiens se ut aquila per omnem agilitatem et celeritatem salivit exiens a nobis, et ipsa terra quae tenebat Lazari corpus mortuum statim reddidit vivum” [4.3 (20)]). Related to this interest in the tangible as opposed to the abstract is, as noted above, the transformation of the triad of Christ, Satan, and Inferus to an opposition between Christ, on the one hand, and Satan, on the other, while Inferus is represented by a host of giants, devils, and trolls.

Direct signs of Latin influence are found in *Niðrstignings saga* in the retention of Latin words or phrases, usually in the form of commands or pronouncements, ranging in length from a single word to several lines of printed text usually with no accompanying translation.¹⁸ Indirect signs of Latin influence are found in a number of “learned style” elements.¹⁹ These include the substantive use of adjectives (“Sliet it sama sungo aller helger” [p. 7.15]; “Þa gerði siþan dominus crossmarc ifer Adam oc ollom helgom oc toc i hønd Adams oc ste up or helvite með her miclom, oc fylgþo drotne aller helger” [p. 7.20–22])²⁰ and the use of reflexive verbs expressing the passive (“... oc mun þat miscunnarsmior þeim, er endrgetasc af vatne oc helgom annda, verþa endrgetnaðr at eilifre sælo” [p. 3.8–10])²¹ as well as the extensive use of the present participle. On the whole, the translation makes few attempts to retain literary embellishments, but in a few instances alliteration in the Latin is reproduced (although alliteration in the Latin is not especially noticeable), e.g., “creatorem omnium creaturarum” (10 [26]) > “scapare allrar scepno” (p. 8.11).²² Similarly, the translator manages in a few instances to duplicate Latin parallelisms, e.g., “Claudite portas crudeles aereas et vectes ferreos supponite et fortiter resistite” (5.1 [21]) > “Taket er, greypet oc byrget nu hliþen aull oc føret fyrer iarngrindr oc iarnbranda,

¹⁷ AM 238 fol. V: “sialfr guds son” (p. 17.23).

¹⁸ In AM 238 fol. V there is, however, a tendency to translate the Latin words and phrases.

¹⁹ See Jónas Kristjánsson, “Learned Style or Saga Style?” in *Specvlym norroenvm: Norse Studies in Memory of Gabriel Turville-Petre*, ed. Ursula Dronke et al. (Odense, 1981), 260–92.

²⁰ AM 623 4^o: “Sliet et sama sungo allir helgir” (p. 12.35). “Þa blezapi drottinn Adam oc alla helga. Þa tok guþ i hænd Adami oc ste up með hann til paradisar, oc fylgþo drottinn allir helgir” (p. 13.1–3).

²¹ AM 623 4^o: “... oc mon þat misconnarsmior þeim, er endrberasc af vatni oc helgom anda, verþa til eilifrar sælo” (p. 9.11–12); AM 238 fol. V: “... ok mun þetta myskunar vidsmior vera til endrgetningar þeim, er fa muno af vatni ok helgum anda i eilift lif” (p. 18.19–21).

²² AM 623 4^o: “scapari allrar scepno” (p. 13.34); AM 233a fol.: “skapari allrar skepnu” (p. 16.27).

oc verezc hart oc standet víþ vel” (p. 5.15–17).²³ But *Niðrstigningsarsaga* is not a slavish translation of the Latin original. As Turville-Petre notes, the translator has often improved upon the source text in his accounts of the inhabitants of Inferus by using words and expressions from Norse mythology which even in the twelfth century must have seemed archaic (see above).²⁴ Further native stylistic elements are the stereotyped linguistic formulae used to introduce a new episode and to resume a suspended episode (“En ec tec fra því at segia, er þa gørbisc en fleira til stormerkia” [p. 4.18–19]; “Nu scal þar til mals taca, er ec hvarf apr fra” [p. 4.34]); “En nu tek ec þar til mals at segia þat, hvat þeir hava til tekit i helvite, síþan er Satan for ut” [p. 5.13–14])²⁵ as well as the use of decidedly native words like “þinga” and “kappi.”

The translator frequently amplifies the text in order to enliven the narrative and to give it a more dramatic effect. As Fredrik Paasche notes, the translator must have been greatly involved in the story.²⁶ Thus, “. . . Satan princeps et dux mortis” (4.1 [20]) is expanded as follows:

. . . Satan iotunn helvitis hofðingi, er stundom er með .vii. hofðom en stundom með .iii., en stundom i dreka like þess, er omorlegr er oc ogorlegr oc illegre a allar lundir (p. 3.16–18).²⁷

²³ AM 623 4º: “Takeþ er nu grimmir, oc byrgiþ hliþ oll ramliga með iarnhurþom oc latiþ slagbranda víþ innan, oc verizc hart oc standiþ vel víþ” (pp. 11.4–6); AM 233a fol.: “Takit þer nu ok byrgit hlið æll, ok setit fyrir iarngindr ok iarnbranda, oc verit hart ok standit vid vel” (p. 15.12–13).

²⁴ Turville-Petre, *Origins*, 128; see also Fredrik Paasche, *Norges og Islands litteratur inntil utgangen av middelalderen*, rev. ed. by Anne Holtmark, in Francis Bull et al., *Norsk Litteraturhistorie*, vol. 1 (Oslo, 1957), 299.

²⁵ AM 623 4º: “Nu mun ec segia fra stormerkiom þeim, er þa gørbosc” (p. 10.12); omitted in AM 238 fol. V. AM 623 4º: “Nu scal þar til taka, er ver hurfom aþan fra” (p. 10.26); AM 233a fol.: “Nu er fra því at segia, hvat þeir hofduz at i helviti, sidan er Sathan for ut” (p. 15.10–11); AM 238 fol. V: “En þa er þau tauludo med sier, sem fyrir sagt” (p. 20.9). AM 623 4º: “Nu scal segia fra atburþom þeim er i helviti varo” (p. 11.3).

²⁶ “Oversætteren har vært tatt av emnet” (*Norges og Islands litteratur*, 299). Paasche is of the opinion, however, that the Latin *Descensus* text is even more powerful (“. . . tross alt må det sies at slagkraften er større i *Descensus*; til det opptrin av vill majestet som skildres i legenden om nedfarten passer i særskilt høy grad latinens svære masser”).

²⁷ “Satan, the giant chieftain of Hell, who sometimes has seven heads and sometimes three, and who is sometimes in the shape of a dragon, who is horrible and awful and evil in all respects” (AM 623 4º: “. . . Sathan heims hofþingi, er stundom er þar met .vii. harþom eþa .iii. i hreþiligo dreka liki oc omorligo á allar lundir” [p. 9.18–19]; AM 238 fol. V: “. . . helvitis hofdingi leidtogi daudra i liking hræðilegs dreka ok miog auskurlegs, sa er stundum syndiz þeim med sio hofdum, en stundum med .iii., stundum i mannz liki” [p. 18.27–29]). Aho, “A Comparison,” 171, notes that the amplification is more than just a colorful addition, because later on in the translation, Satan does change into a dragon.

Many of the additions, large or small and seemingly insignificant when analyzed individually, serve to give the story a militant tone. One such example is the rejoicing of "omnes sancti" (8.2 [24]) after Christ's descent, which in the translation is altered to "með her miclom" ("with a big army," p. 7.22). As Aho notes, the translator consistently represents Christ's *descensus* as a military action, a *harrowing* of Hell.²⁸

As mentioned above, *Niðrstigningsarsaga* contains two interpolations, one connected with Revelations 19, the other with Job 41. They relate that Christ rides forth in majesty upon a white horse, his eyes burning, wearing a gown, and wrapped in a blood-drenched banner. Satan, deceived into believing Christ to be fearful of death and thus easy prey, transforms himself into the shape of the world serpent, the *Miðgarðsormr*, and tries to swallow him. But Satan is snagged on "the hook of divinity," we are told, "like a fish on a hook or a mouse in a trap or a fox in a snare." Satan is then bound, and angels are commanded to guard him. As James W. Marchand notes, Christ's stratagem reflects the medieval motif of *pia fraus*, according to which Christ was allowed to use human cunning to defeat his enemy.²⁹ The first interpolation appears just before Satan is driven out of Inferus:

Þat var mioc i þat mund dōgra, er himennen opnaðisc, þar com fram fyrst hestr hvitr, en hofðingi sa reiþ hesti þeim, er morgom hlutom er gofgari en gōrvaster aller aþrer, augo hans varo sem elldz logi, hann hafði corono a hōfði, er morg sigrmerki mate of syna, hann hafði cleþi þat umb aunnor utan, er bloþstoket var; a cleþi hans yfer miopmenni voro orþ þessi riten: rex regum et dominus dominorum; hann var solo biartare; hann leide efter ser her mikinn, aller þeir, er honom fylgþo, riþo hestom hvitom, oc voro aller cledir silki hvito oc voro lioser mioc. Sa inn ricsti allvalldr leit þa til Jorsalaborgar oc melte: "Gilldra su er at Jorsolom er gōr verþi miþgarþsormi at scapa." Hann fal þa øngul, þann er horvenn var agni oc eigi sia mate, i ezlino, því er i gilldrona var lagit, oc sva vaþinn gat hann folget, svat eigi of mate sia. Þa baup hann nøcquerom dyrlingom sinom at fara fyrer ser oc gōra vart viþ como sina til helvitis (p. 4.19–33).³⁰

²⁸ Aho, "Niðrstigningsarsaga," 156–57. The phrase just mentioned is omitted in AM 623 4°.

²⁹ James W. Marchand, "Leviathan and the Mousetrap in the *Niðrstigningsarsaga*," *Scandinavian Studies* 47 (1975): 328–38, esp. 333.

³⁰ "In an instant it became bright daylight, as the heavens opened. There came forward first a white horse, and the chieftain who rode it was in many respects nobler than the most accomplished of all others. His eyes were like burning flames. He had a crown on his head and many tokens of victory were visible. He had a blood-drenched banner wrapped around himself, and on it were written these words: *Rex regum et dominus dominorum*. He was brighter than the sun. He led a great army and all those who accompanied him rode white horses and were clothed in white silk and were very bright. That one, the most powerful leader, then looked toward Jerusalem and said, 'The trap which is ready at Jerusalem

The second interpolation is about Satan's journey to Jerusalem to capture the crucified Christ, so that he can prove Christ's human nature:

Þa er Satan com ut, þa sa hann englalíf mikit vera comet til helvitis, en gec eigi til fundar víþ ða, oc sneide hann þar hia. Þa bra hann ser i dreca like oc gørðiz þa sva mikill, at hann þotesc liggia mundo umb heimen allan utan. Hann sa þau típennde at Jorsolom, at Jesus Cristr var þa i andlati, oc for þangat þegar oc ætlapi at slita ondina þegar fra honom. En þa er hann com þar oc hugþez gløpa mundo hann oc hafa með ser, þa beit øngullinn godomsens hann, en crossmarkit fell a hann ovan, oc varþ hann þa sva veidr sem fiscr a øngle eþa mus under treketi, eþa sem melraki i gilldro, epter þvi sem fyrer var spat. Þa for til dominus noster oc bat hann, en qvade til engla sina at varþveita hann (p. 5.1–11).³¹

Aho views the interpolations as containing original material and connects them with the story of Þórr's fishing expedition, because of the use of the term *Miðgarðsormr*.³² Marchand, however, argues against this theory, claiming that the interpolation of the allegory of Christ as the bait on the hook of the cross with which Leviathan was taken is a medieval commonplace considerably older than the Þórr and *Miðgarðsormr* theme.³³ He follows Magnús Már Lárusson in drawing attention to the fact that elsewhere in Old Norse Leviathan and the *Miðgarðsormr* are equated,³⁴ and he refers to the Icelandic *Hómiljubók*, which mentions the theme of Leviathan on

is destined to maim the world-serpent.' He hid the hook inside the bait so that it could not be seen; thus was it laid upon the trap. The fishing line he was also able to hide, so that it could not be seen. Then he requested several of his holy companions to go before him and make known His coming to hell" (Aho, "*Niðrstigningsaga*," 153).

³¹ "Then when Satan came out, he saw a large force of angels had come to hell, but he did not go to meet them. He turned aside. Then he changed himself into the shape of a dragon and made himself so huge that it seemed he would encircle the entire earth. He saw those events in Jerusalem and that Jesus Christ was near death and he went there immediately and intended to tear the soul from him. But when he came there and thought that he would swallow him and carry him away, then the hook of divinity snagged him and the cross fell down upon him and he was caught like a fish on a hook or a mouse in a trap or a fox in a snare, as had been foretold. Then our Lord came forward and bound him and told his angels to guard him" (Marchand, "*Leviathan and the Mousetrap*," 328).

³² Aho, "*Niðrstigningsaga*," 154–55. Gschwantler, "Christus, Thor und die Midgardschlange," 158, also notes, "In der oben ausgehobenen Stelle der *Niðrstigningar saga* heißt es, daß sich der Teufel in die Gestalt eines Drachen verwandelte und so groß wurde, daß man meinte, er liege außen um die ganze Welt herum. Daß hier der Übersetzer an die Midgardschlange gedacht hat, die sich um den ganzen Erdkreis schlingt, ist nicht zu bezweifeln."

³³ Marchand, "*Leviathan and the Mousetrap*," 333. See also Gschwantler, "Christus, Thor und die Midgardschlange," 149.

³⁴ Magnús Már Lárusson, "Um *Niðurstigningsögu*," 164–65.

the hook in a section taken from Gregory the Great's homily on Mary Magdalen.³⁵ The interpolator or translator of *Niðrstigningsarsaga* could, therefore, have appropriated the theme from a number of sources including the *Hómiljubók*.

Because of this interpolation, scholars have seen influence from *Niðrstigningsarsaga* in Eysteinn Ásgrímsson's *Lilja* from the mid-fourteenth century.³⁶ In one hundred stanzas in *hrynhent* meter, the poem tells of the history of the world from the Creation to the Annunciation, of the life and death of Christ, of the Ascension and the Day of Judgment. The last section contains the poet's confessions and prayers to Virgin Mary, the lily. Paasche, Magnús Már Lárusson, and Thomas D. Hill draw attention to stanza 60, in which the poet refers to the image of Christ's humanity as the bait and his divinity as the hook by which Leviathan ("ormrinn bjúgi," i.e., the Miðgarðsormr) is caught:³⁷

En í andláti Jésú sæta
oss er flutt, at gægz á krossinn
fjandinn hafi ok frétt at syndum
færaglöggr, ef nokkur væri;
hlægir mik, at hér mun teygjaz

³⁵ *Homiliu-bók: Isländska Homilier efter en handskrift från tolfte århundradet*, ed. Theodor Wisén (Lund, 1872), 75–76: "... oc sté hann þa yver en forna fiánda es hann lét ofripar men beriasc i gegn sér. þat sýnde drotten þa es hann mælte við en sæla iób. Mon eigi þu draga leviapan ['miðgarðsormr' is written superscript] a ǫngle eþa bora kþr hans með baúge. Sia gleýpande hvalr merker gróþgan anskota þan es svelga vill allt mankyn i dauþa. Agn es lagt a ǫngol en hvass broddr leýnesc. þena orm tók almáttegr guþ a ǫngle. þa es hann sende son sin til dauþa sýnelegan at líkam en osýnelegan at guþdóme. Diabolus sa agn líkams hans þat es hann beit oc villde fyrfara. en guþdóms broddr stangaþe hann svasem ǫngoll. A ǫngle varþ hann teken. þuiat hann beidesc at gripa lícams agn þat es hann sa. en vass guþdóms brodr sa es leýndr vas særþe hann. A ǫngle varþ hann teken. þuiat hann fek scaþa afþui es hann beit. oc glataþe hann þeim es hann hafþe áþr vellde yver. þuiat hann treýstesc at gripa þan es hann hafþe etke vellde igeþn." The section is a free rendering of *Homiliae in evangelia*, lib. 2, hom. 25 (PL 76:1194B–1196C); see Gschwantler, "Christus, Thor und die Midgardschlange," 151 n. 45; and Marchand, "Leviathan and the Mousetrap," 332. The section occurs also in AM 684c 4^o; see Magnús Már Lárusson, "Um Niðurstigningsarsögu," 164; and Marchand, "Leviathan and the Mousetrap," 336 n. 16.

³⁶ *Den norsk-islandske skjaldedigtning*, A1–2 (tekst efter håndskrifterne) and B1–2 (rettet tekst), ed. Finnur Jónsson (Copenhagen, 1908–15; rpt. 1967 [A] and 1973 [B]), A2:363–95, B2:390–416.

³⁷ "And at the death of dear Jesus, we heard that the keen-sighted devil was eager at the cross and sought for sins—whether there might be any there—but I rejoice that his curiosity enticed him there for his disgrace. For the crooked serpent, swallowing the bait, will not have any joy in the hook." Fredrik Paasche, *Lilja. Et kvad til Guds moder* (Oslo, 1915); Magnús Már Lárusson, "Um Niðurstigningsarsögu," 166; Thomas D. Hill, "Number and Pattern in *Lilja*," *Journal of English and Germanic Philology* 69 (1970): 561–67, esp. 563.

hans forvitni sér til vansa,
eigi mun nú ormr enn bjúgi
agn svelgjandi á króki fagna (*Skjaldedigtning* B2:406).

Because of the appearance of the theme elsewhere in Old Norse-Icelandic literature, it is, however, as Marchand points out, unnecessary to assume a direct connection between *Niðrstigningsarsaga* and *Lilja*.³⁸

The motif of the falling cross as a mousetrap in *Niðrstigningsarsaga*—which, according to Aho, is also Northern—is, as Magnús Már Lárusson, Gschwantler, and Marchand note, a patristic commonplace too, which has its origin in Augustine (*Sermo* 130.2; PL 38:726).³⁹ Marchand claims that “the mention of the mousetrap of the cross is perfectly *à propos* in this part of the story.” He reiterates C. I. Minott’s understanding of the mousetrap as a means of overcoming the devil and forcing him to relinquish the captive souls. The reference to the mousetrap in *Niðrstigningsarsaga* therefore suggests deft handling and clear understanding of the doctrinal underpinning of the topos on the part of the interpolator or the author of his source text. Marchand also notes that there is nothing “Northern” about making the devil into a fox; it is just another patristic commonplace.

There are indications that in the sixteenth century there was in existence a different medieval translation of the *Evangelium Nicodemi* or else a fuller redaction of *Niðrstigningsarsaga*. AM 727 4^o II, *Tijdfordrieff Edur Lijtid Annals Kuer* by Jón Guðmundsson lærði (1574–1658), written in 1644, contains extracts from earlier literary works and Jón Guðmundsson’s own notes and comments. A large portion of his commentary is devoted to the *Evangelium Nicodemi*, and in comparison with the extant manuscripts of *Niðrstigningsarsaga* his account is more detailed.⁴⁰ Thus, whereas *Niðr-*

³⁸ Marchand, “Leviathan and the Mousetrap,” 331.

³⁹ Magnús Már Lárusson, “Um Niðurstigningsarsögu,” 166; Gschwantler, “Christus, Thor und die Midgardschlange,” 155; Marchand, “Leviathan and the Mousetrap,” 333–34. Gschwantler says, “Wenn der isländische Übersetzer wirklich die Formulierung des Augustinus vor sich hatte, was natürlich nicht der Fall zu sein braucht, so gewährt gerade diese Stelle einen interessanten Einblick in seine Übersetzungstechnik: Er wußte, daß ‘muscipula’ im Zusammenhang mit dem Kreuz nicht Mausefalle bedeuten kann, sondern einfach Falle. Daher läßt er das Kreuz auf den Teufel herabfallen, doch die ursprüngliche Bedeutung von ‘muscipula’ rief in ihm die Vorstellung der Mausefalle hervor und so fügte er das Bild von der Maus in der Mausefalle dem vom Fisch an der Angel und dem Fuchs in der Schlinge hinzu. Übrigens kommt das Kreuz als Falle auch noch in den Sententiarum libri quattuor (Distinctio XIX) des Petrus Lombardus vor: In seiner stark von Anselm und Abälard beeinflussten Erlösungslehre gibt er ganz unvermittelt die oben angeführte Stelle aus Augustinus wieder. Sollte die Niðrstigningsarsaga in der zweiten Hälfte des 12. Jhs. entstanden sein, so muß man auch mit Petrus Lombardus, dessen Werke überaus große Verbreitung fanden, als Vermittler rechnen.”

⁴⁰ This section is found in *The History of the Cross-Tree Down to Christ’s Passion*:

stigningsarsaga merely states that Charinus and Leucius wrote an account of Christ's descent ("Karinus oc Leucius . . . rito þenna þot niðrstigningar Crisz, af því at þeir villdo eki við menn mela, oc leto bocena coma i hendr Nicodemo oc Joseph [p. 8.28–31]), Jón Guðmundsson follows the Latin and tells that Charinus and Leucius each and in separate places wrote an account of Christ's descent and that when the two accounts were compared, they were identical.⁴¹

Two translations of the *Evangelium Nicodemi* survive in a number of Icelandic manuscripts from the mid-eighteenth century to the end of the nineteenth century: (1) Magnús Grímsson's translation (Reykjavík, National Library [Lbs.] 509 4º) from the middle of the nineteenth century, and (2) an anonymous and somewhat older translation preserved in two recensions, A (Copenhagen, Royal Library [NkS; now in Lbs.] 68 4º, Lbs. 786 8º, Lbs. 1036 8º, Lbs. 1258 8º, Lbs. 2144 8º, JS 36 4º, JS 219 8º, and Reykjavík, Icelandic Literary Society [ÍB] 212 8º) and B (Lbs. 526 8º, Lbs. 1160 8º, Lbs. 1333 8º, Lbs. 2636 8º, JS 280 4º, JS 456 8º, ÍB 98 8º, and ÍB 393 8º).⁴² Mariane Overgaard has examined the oldest of these manuscripts, Lbs. 1258 8º from 1751, and notes that the manuscript contains an account of Charinus and Leucius which agrees with Jón Guðmundsson's. She is, however, of the opinion that the late character of the language would seem to preclude that the translation is identical with the one which was copied by the priests when Jón Guðmundsson was a child, and which he himself refers to ("þeir nynæmustu nyju síða prestar skrifudu síer N. G. i barndæmi mynu"). She concludes: "He would thus seem to have been familiar either with a now-lost medieval translation of the Gospel of Nicodemus or else with a fuller redaction of *Niðrstigningar saga* than that which now survives" (cxx–cxxi). Since there are no verbal similarities between *Niðrstigningsarsaga* and *Tíðfordríf* and since there is no other (conclusive) evidence of a fuller redaction of *Niðrstigningsarsaga*, the latter suggestion can probably be rejected. The former suggestion seems more likely, especially since both Lbs. 1258 8º and JS 280 4º, the second-oldest manuscript from 1779, contain errors suggesting that neither is a copy of the original translation. It appears

Icelandic Legend Versions, ed. Mariane Overgaard, Editiones Arnarnagnæanæ, Series B, vol. 26 (Copenhagen, 1968), 79–82.

⁴¹ "Þeir Joseph og Nichodemus báðu þessa ij menn og upprisu votta ad lata þeim epter skrifadann þeirra vitnizburd. adur þeir skyldust ad. og þeir jatudu þui. langt var i millum þeirra borga. enn þegar þær bækur voru samanbornar. fannst ecki einu ordi fleira nie færri og eingin annar mismunur, heldur öll sömu ord i badum þeim bokum. um nidurstignijng vorz herra" (ibid., 85).

⁴² Here and in the following, see Kirsten Wolf, "Om en 'tabt' islandske oversættelse af Nikodemusevangeliet," *Arkiv för nordisk filologi* 107 (1992): 167–79.

more probable that both manuscripts are derived from a copy of the original text and that between this copy and the two manuscripts there are missing links. Whether or not the original translation is identical with the translation that was copied by the priests when Jón Guðmundsson was a child cannot be ascertained, but the possibility cannot be excluded.

A poetic paraphrase of *Evangelium Nicodemi* material is found in the late medieval *Niðurstigningsvísur*,⁴³ which Jón Þorkelsson, Finnur Jónsson, Páll Eggert Ólason, Jón Sigurðsson and Guðbrandur Vigfússon, and Gschwantler all ascribe to the last Catholic bishop in Iceland, Jón Arason of Hólar, who was executed in 1550.⁴⁴ Apart from Eysteinn Ásgrímsson, Jón Arason was no doubt the most celebrated poet of pre-Reformation times, though it may well be that his fame has caused him to be credited with more verse than he actually composed. While there is no doubt of his authorship of *Píslargrátur* and *Davíðsdiktur*, his association with *Niðurstigningsvísur* as well as a number of other poems has been questioned. He is mentioned as author only in the title of manuscripts of the H-group (see n. 43), and his association with the poem may, therefore, be inaccurate.⁴⁵ Finnur Jónsson, however, has drawn attention to verbal similarities between *Niðurstigningsvísur* and *Píslargrátur* and *Ljómur*, which has also been

⁴³ This is the title in the oldest manuscript of the *vísur* (AM 713 4^o); in the other manuscripts (except group D which has no title) it is called either *Niðurstigningsvísur* or *Niðurstigningarvísur*. The poem was first edited by Jón Sigurðsson and Guðbrandr Vigfússon in *Biskupa sögur*, 2 vols. (Copenhagen, 1858–78), 2:546–57, later by Finnur Jónsson in *Jón Arasons religiøse digte*, Det Kgl. Danske Videnskabernes Selskab, Historisk-filologiske Meddelelser 2.2 (Copenhagen, 1918), 58–69, and most recently by Jón Helgason in *Íslensk miðaldakvæði: Íslandske digte fra senmiddelalderen* 1.2 (Copenhagen, 1936), 221–38. The present discussion of the poem is based on Jón Helgason's edition. The poem survives in a large number of manuscripts, which Jón Helgason (212–21) divides into nine groups (A–I). These nine groups go back to just as many mutually independent recordings from oral tradition, perhaps with the exception of C and D. That C and D are related is evident from stanzas 2–3, which are recast in a Lutheran spirit (e.g., “dogling himna stræta” [3.5] for “drottins uisit mæta”). A is the oldest manuscript and most probably the best, but it is not without errors. The mistake in “lasu lofspar hreinar” (33.3), probably under the influence of “lokur ok lasa alla” (34.3), provides evidence of its basis in oral tradition. B is close to A, but there appears to be no written textual relationship between the two groups. H presents a redaction which in a number of places is deliberately recast in order to eliminate Catholic elements and in order to clarify unclear phrases.

⁴⁴ Jón Þorkelsson, *Om digtningen på Island i det 15. og 16. Århundrede* (Copenhagen, 1888), 328; Finnur Jónsson, *Den oldnorske og oldislandske Litteraturs Historie*, 3 vols. (Copenhagen, 1920–24), 3:129; Páll Eggert Ólason, *Menn og menntir siðskiptaaldarinnar á Íslandi* 1 (Reykjavík, 1919), 419; *Byskupa sögur* 2:546 n. 1; Gschwantler, “Christus, Thor und die Midgardschlange,” 158.

⁴⁵ See Jakob Benediktsson, “Kristdigte,” in *Kulturhistorisk Leksikon for nordisk middelalder*, vol. 9 (Copenhagen, 1964), cols. 292–94, esp. col. 293; *Íslensk miðaldakvæði*, 219.

ascribed to Jón Arason, and claims that these point to one and the same poet.⁴⁶

Although there is no formal division other than the stanzas, the poem falls naturally into four parts. (1) Stanzas 1–4 form an introduction in which the poet laments his sins and calls upon the Divinity to help him compose a poem of praise. In stanza 2 the poet addresses the Virgin Mary directly (cf. “kuædit þitt”), which suggests that the poem is dedicated especially to her, and in stanza 4 the poet turns to Christ himself with a similar prayer. (2) Stanzas 5–9 give an account of the birth of Christ and the flight to Egypt.⁴⁷ In stanza 10 the Jews’ anger is mentioned, and in stanza 11 the poet refers directly to the *Gesta Salvatoris*, evidently as his (ultimate) source for the account of Christ’s Harrowing of Hell (stanzas 24–37).⁴⁸ Stanzas 12–23 give an account of Judas’s treason, the trial, and the Crucifixion.⁴⁹ (3) Stanzas 24–37 then describe Christ’s descent to Hell. (4) The conclusion (stanzas 38–42) consists of a prayer for moral strength and guidance and for mercy.

Only stanzas 15–37 of the poem bear any relation to the *Evangelium Nicodemi*. Moreover, the section corresponding to the *Acta Pilati* (stanzas 15–23) bears no more semblance to the *Evangelium Nicodemi* than to the scattered accounts in the Vulgate. The trial itself is described in stanzas 17–18, but they give few details and do not tell of Pilate’s predicament, and Nicodemus and the people healed by Christ, who come forward on his behalf, are not mentioned. The story of the Crucifixion is rendered in stanzas 19–23, though with no mention of Gestas and Dysmas and of Joseph of Arimathaea. Stanzas 24–27 correspond to *Descensus Christi ad inferos*

⁴⁶ Jón Arasons religiøse digte, 23.

⁴⁷ Finnur Jónsson in *Jón Arasons religiøse digte*, 22, draws attention to stanzas 7.6–8 (“kuinnan kom til ydar ein / med vngan suein / er bar hun æð briosti sinu”), i.e., the story about the poor woman’s child, Dysmas, whom Virgin Mary nursed. According to the legend, this child was to become one of the two robbers, who were crucified together with Christ (cf. Luke 23:42–43). The story is found in Old Norse in *Mariu saga* (ed. C. R. Unger, *Mariu saga: Legender om Jomfru Maria og hendes jertegn* [Oslo, 1871], 39).

⁴⁸ “Nichodemus nadi / nefnilegur að greina liost / dyrstur drottin spadi / Davids kongs fyrer munn ok briost / med prophetum ok prudum eingla choris / græðarans pinu glosa tok / ok giordi æð bok / gesta saluatoris.”

⁴⁹ Finnur Jónsson in *Jón Arasons religiøse digte*, 22, notes that the same account is found in *Píslargrátur* (stanzas 12–23) and that the source is the same: stanza 13.5–8 echoes Luke 22:48, Mark 14:14; stanza 14 echoes John 18:10–11, etc.; stanza 16.5–8 echoes Mark 14:50; and stanza 19.6 echoes John 19:2. He also notes details not mentioned in *Píslargrátur*, e.g., Judas’s treason (stanzas 12–13; mentioned also in *Ljómur*, stanza 10), the cutting off of the ear of the high-priest’s servant (stanza 14), and the flight of the disciples (stanza 16). Páll Eggert Ólason, *Menn og menntir*, 419, suggests that this section of *Niðurstigningsvísur* (stanzas 12–23) may have influenced Hallgrímur Pétursson’s *Passíusálmar*.

or *Niðrstigningsarsaga*, but the frame that contains the central story is substantially reduced and changed. It is not presented as being recorded by Charinus and Leucius, who, in fact, are not mentioned at all; instead the poem begins at the words of Satan (*Descensus Christi ad inferos* 4.1 [20]; *Niðrstigningsarsaga*, p. 3.15). The dialogue between Satan and Inferus, who—as in the three older manuscripts of *Niðrstigningsarsaga*—is not personified but represented as “djöflar,” is recorded in stanzas 24–26, the debate about the opening of the gates and Christ’s entrance are described in stanzas 29–32, and the account of Christ’s presence in Inferus is given in stanzas 33–37.

In spite of the reference in stanza 11 to the *Gesta Salvatoris*, the relationship between the *Evangelium Nicodemi* and the *Niðurstigningsvísur* appears to be only a thematic one. The relationship between *Niðrstigningsarsaga* and the poem is more difficult to determine. Magnús Már Lárusson is of the opinion that the poem is based on the saga, but offers no argumentation for his hypothesis.⁵⁰ Finnur Jónsson is more cautious and suggests that it may be based on memory or on a text different from the extant *Niðrstigningsarsaga*.⁵¹ There are no verbal similarities between the two works, and although the poet may have been acquainted with the saga, it is doubtful if it served as a direct literary source. A curious similarity between the two works is, however, the reference to the “ormr” in the last three lines of stanza 27, which echoes the interpolations in *Niðrstigningsarsaga* and, in particular, stanza 60 of *Lilja*: “upp á krossinn ormuren skreid / ok andlatz beid / salina suelgia uilldi.”⁵² Magnús Már Lárusson draws attention to two manuscripts of *Lilja*, London, British Library Add. 4892 and AM 622 4º, which have the reading “a krossi fagna” instead of “á króki fagna” (quoted on p. 229 above). The reading in these two manuscripts resembles the reading in *Niðurstigningsvísur*.⁵³

⁵⁰ Magnús Már Lárusson, “Um Niðurstigningsarsögu,” 165.

⁵¹ “. . . enten er fremstillingen, som den foreligger i udgaven i Heil[agra] m[anna] s[ögur], vilkårlig behandlet (mulig efter hukommelsen?) eller også en noget forskellig tekst benyttet . . . , i alle tilfælde er fremstillingen naturligvis stærkt forkortet” (*Jón Arasons religiøse digte*, 22–23).

⁵² “Up the cross the serpent crawled and died wanting to swallow the soul.” “Ormrinn” / “Ormrinn bjúgi” is mentioned or alluded to also in *Kristbálkur* (stanzas 13 and 45), *Krossvísur* II (stanza 15), and *Krosskvæði* (stanza 24). All three poems are edited in *Íslenzk miðaldakvæði*, 144–56, 262–66, 277–85.

⁵³ Gschwantler, “Christus, Thor und die Midgardschlange,” 156, notes, “Rein sprachlich ist es natürlich möglich, die Stelle so aufzufassen wie dies Jón Arason in seinen Niðrstigningsvísur getan hat . . . , daß die Schlange auf das Kreuz gekrochen sei. Ob die Form ‘a krossi’ nun ursprünglich ist oder sekundär, es scheint hier eine alte Variante der Allegorie vom geköderten Leviathan vorzuliegen, in der das Kreuz mit der Angel gleichgesetzt wird.”

The Harrowing of Hell motif appears widely in Old Norse-Icelandic religious prose and poetry, though it is important to bear in mind that the *Evangelium Nicodemi* was not the only source of the Harrowing of Hell theme and that the motif may not necessarily be derived directly or even indirectly from the *Evangelium Nicodemi* (or *Niðrstignings saga*). Aho has examined a great number of homilies, saints' lives, and sagas of the apostles, and he has noted that references to the Harrowing are common but that none of them is particularly striking, and that they are undoubtedly derivative from standard Latin conceptions and treatments of the theme. Usually, the Harrowing is mentioned in a single phrase or sentence as merely one aspect of Christ's career.⁵⁴

In poetry, the Harrowing is alluded to in two lines of stanza 4 in Einarr Skúlason's *Geisli*, a *drápa* in *dróttkvætt* meter on the death and miracles of St. Óláfr Haraldsson delivered in the cathedral of Niðaróss (Trondheim) in 1153 or 1154, where it is stated that a multitude of deceased rose with Christ ("veitk, at mildr frá moldu / meginfjöldi reis hólða").⁵⁵ A further reference appears in *Leiðarvísan*, a *drápa* in *dróttkvætt* meter from the latter half of the twelfth century on the observance of Sunday, which tells (stanza 31) that Christ himself bound the devil.⁵⁶ Finally, *Líknarbraut*, a *drápa* also in *dróttkvætt* meter, written by an anonymous monk some time after 1300, on the Passion, the descent, the Resurrection, and the Ascension, relates (stanza 22) that Christ descended to Hell to visit with the devils.⁵⁷

References in late medieval poems include stanza 116 of *Rósa* (another of Virgin Mary's many symbolic names), modelled on *Lilja*. A sixteenth-century manuscript, AM 622 4^o, attributes the poem to Sigurður blindur, though, in reality, his name is associated with another poem in the manu-

⁵⁴ Aho, "A Comparison," 189, and "*Niðrstignings saga*," 155, however, draws attention to *Tveggja postola saga Jóns ok Jacobs* (*Postola sögur: Legendariske fortællinger om apostlernes liv deres kamp for Kristendommens udbredelse samt deres martyrdød*, ed. C. R. Unger [Oslo, 1874], 536–711), in which it says that after the Crucifixion Christ went "heriandi . . . til helvitis . . . með hvellum hamri" (559.10–12). According to Aho, "*Niðrstignings saga*," 155, "[a]n Old Norse audience would immediately associate this Christ with Þórr, who used Mjólnir, his wonderous hammer, to slay many an evil giant in just such a fashion."

⁵⁵ *Skjaldedigtning* A1:459–73, B1:427–45, quotation at B1:427, stanza 4.5–6.

⁵⁶ "Dag reis sinn með sigri / snjallastr faðir allra / (sjóli huggaði seggi / sólar hauðrs) af dauða, / áðr batt flærðar—fróðan / fjandi heilagrandi / fast ok fyrða leysti / fremðar—styrkr ór myrkum" (*Skjaldedigtning* A1:618–26, B1:622–33, quotation at B1:630). See also Fredrik Paasche, *Kristendom og kvad. En studie i norrøn middelalder* (Oslo, 1914), 105.

⁵⁷ "Kvaliðr sté, þllum æðri, / ítr gramr til helvitis / dægri láðs ept dauða / djöfla rann at kannu; / leysti sinn at sonnu / sólhallar gramr allan / lýð fyr lífstré þjóðar / líknarstyrkr frá myrkum" (*Skjaldedigtning* A2:150–59, B2:160–74, quotation at B2:166). See also Paasche, *Kristendom og kvad*, 128; and Magnús Már Lárusson, "Um Niðurstignings sögu," 166.

script, the poem known as *Milska*, in which the Harrowing is alluded to in stanza 58. The theme is mentioned also in *Píslardrápa* (stanzas 24–26), *Blómarós* (stanzas 196–200), and *Ljómur* (stanzas 14–17),⁵⁸ which was very popular in Iceland and in the Faroe Islands.⁵⁹ Further references are found in *Kristbálkur* (stanzas 48–49), *Krossvísur* I (stanzas 18–25),⁶⁰ and *Krosskvæði* (stanza 26).⁶¹

In secular literature a reference to the Harrowing appears in the apostolic creed contained in the Christian law section (*Kristindómsbqlkr*) of the *Landslög* of King Magnús Hákonarson lagaboetir (reigned 1263–80): “fór nidr til helvítis at leysa þaðan alla sína menn.”⁶² The anonymous author of the so-called *Fourth Grammatical Treatise*, a handbook of grammar and rhetoric composed towards the middle of the fourteenth century, was clearly also acquainted with the story of the Harrowing and makes a reference to it in stanza 21.1–4.⁶³

Textually far removed from but thematically related to the *Evangelium Nicodemi* is the story of the life of Pontius Pilate in *Gyðinga saga*, a compilation from the mid-thirteenth century recording the history of the Jews from 175 B.C. to A.D. 44, by Brandr Jónsson, bishop of Hólar (d. 1264).⁶⁴ Although the Pilate legend is ultimately derived from the *Acta Pilati*, the direct source of the story in *Gyðinga saga* appears to be an immediate precursor of the one in Jacobus de Voragine's *Legenda Aurea*.⁶⁵

⁵⁸ See Jón Arasons *religiøse digte*, 20; and Páll Eggert Ólason, *Menn og menntir*, 417.

⁵⁹ The Faroese version has been edited and discussed by R. Jensen, “Ljómur,” *Aarbøger for nordisk oldkyndighed og historie* (1869): 311–38, and Jón Helgason, “Færøiske studier: I. Den eldste optegnelse av færøiske kvad. — II. Ljómur på Færøiene,” *Maal og minne* (1924): 29–48.

⁶⁰ See Jón Arasons *religiøse digte*, 23; and Páll Eggert Ólason, *Menn og menntir*, 417.

⁶¹ All poems are edited in *Íslenzk miðaldakvæði*, 6–35, 38–58, 59–64, 69–111, 122–39, 144–56, 253–60, 277–85.

⁶² “Went down to Hell to release all his men.” *Norges gamle love indtil 1387*, ed. R. Keyser and P. A. Munch, 5 vols. (Oslo, 1846–95), 2:306.

⁶³ “Pindr reis vpp með anda / angrleystv herfangi / hlyrna gramr til himna / heim sotti guð drottinn” (ed. Björn Magnússon Ólsen, *Den Tredje og Fjerde Grammatiske Afhandling i Snorres Edda tilligemed de Grammatiske Afhandlingers Prolog og To Andre Tillæg*, Samfund til udgivelse af gammel nordisk litteratur 12 [Copenhagen, 1884], 144).

⁶⁴ *Gyðinga saga: En bearbejdelse fra midten af det 13. årh. ved Brandr Jónsson*, ed. Guðmundur Þorláksson, Samfund til udgivelse af gammel nordisk litteratur 6 (Copenhagen, 1881). The text of the Pilate legend is found on 88.4–90.20 and 93.10–100.22. The Pilate legend had previously been edited in *Postola sögur*, 151.12–153.4 and 154.35–159.20.

⁶⁵ *Jacobi a Voragine Legenda Aurea*, ed. Th. Graesse (Osnabrück, reprint of 1890 ed., 1965). The Pilate legend appears in chapter 35, “De passione domini,” and in chapter 57, “De sancto Jacobo apostolo.” See Jón Helgason, “Gyðinga saga i Trondheim,” in *Opuscula* 5, Bibliotheca Arnarnagæana 31 (Copenhagen, 1975), 343–76, esp. 362; and Kirsten Wolf, “‘Lífssaga Pilati’ in Lbs. 4270 4to,” *Proceedings of the PMR Conference* 12/13 (1987–88): 239–62, esp. 243.

Parts of the Pilate legend are found also in *Stephanus saga* in Stock. Perg. fol. nr. 2 in the Royal Library, Stockholm (s. xiv) and AM 661 4^o (s. xv).⁶⁶ The text of the Pilate sections in *Stephanus saga* is on the whole identical to the text of the Pilate legend in *Gyðinga saga*, but in some places it is more detailed and the rendering of the Latin more accurate. Accordingly, it has been argued that the Pilate section in *Stephanus saga* is derived from a fuller and nonextant version of *Gyðinga saga*.⁶⁷ Pilate material appears also in *Stephanus saga* in Stock. Perg. fol. nr. 3,⁶⁸ a collection of twenty-five legends from ca. 1525, presumably based on the *Passionael*, one of the revised and expanded translations of the *Legenda Aurea* into Low German, though in the case of *Stephanus saga* Widding and Bekker-Nielsen argue that the Icelandic translator drew most of his material from the older version in Stock. Perg. fol. nr. 2 and AM 661 4^o and only occasionally supplemented his material from the *Passionael*.⁶⁹ From the late seventeenth century to the nineteenth century there are numerous Icelandic manuscripts containing versions of the Pilate legend, only three of which have been edited.⁷⁰ Generally, these stories are longer than the medieval ones; they are augmented with matter drawn from the Bible, and commonplaces of a pious nature to edify the audience are frequently inserted. We are here dealing with a version or versions that have as their source not the Latin versions of the eleventh or twelfth centuries, nor vernacular translations of these, but rather, as Howard Martin points out, "a more detailed source which evolved from the merging of several traditions, both biblical and legendary."⁷¹ Although there is some discrepancy among these late Icelandic versions in wording and style, the content is usually more or less the same, and it is clear that they all go back to the Latin versions of the eleventh and twelfth centuries and that they—like the medieval versions—are derived ultimately from the *Acta Pilati*.

⁶⁶ *Heilagra manna sögur* 2:287–309.

⁶⁷ Jón Helgason, "Gyðinga saga," 370–71; Wolf, "'Lífssaga Pilati,'" 244.

⁶⁸ *Reykjahólabók: Islandske helgenlegender*, ed. Agnete Loth, 2 vols., Editiones Arnarnæ, Series A, vols. 15–16 (Copenhagen, 1969–70). *Stephanus saga* is found in 1:213–45.

⁶⁹ Ole Widding and Hans Bekker-Nielsen, "En senmiddelalderlig legendesamling," *Maal og minne* (1960): 105–28, esp. 116; "Low German Influence on Late Icelandic Hagiography," *The Germanic Review* 37 (1962): 237–62, esp. 251.

⁷⁰ AM 629 4^o from 1697, the oldest of these manuscripts, is edited by Howard Martin ("The Legend of Pontius Pilate in Icelandic and Middle Low German: An Edition of Two Manuscripts" [Diss., University of Wisconsin—Madison, 1971], 69–84); sections of Lbs. 4280 4^o from 1791 are edited by Wolf ("Lífssaga Pilati," 246–54); and Lbs. 714 8^o from the end of the eighteenth century by Kirsten Wolf ("An Extract of *Gyðinga saga* in Lbs. 714 8vo," in *Opuscula* 9, Bibliotheca Arnarnæana 39 [Copenhagen, 1991], 189–202).

⁷¹ Howard Martin, "The Legend of Pontius Pilate," *Amsterdamer Beiträge zur älteren Germanistik* 5 (1973): 95–118, quotation at 117.

II

One fragment of an Old Danish poetic rendering of the *Evangelium Nicodemi* has survived: Stockholm, Royal Library (SKB) A 115 from ca. 1325.⁷² The manuscript consists of two adjacent leaves, both of which have been damaged. (The top margin has been trimmed to such an extent that the first line on both leaves has been eliminated and on the second leaf the outer margin has been cut, and the bottom is torn.) The home of the anonymous author and the origin of the manuscript are considered to be Lund or within its close vicinity. From a number of scribal errors it is clear that SKB A 115 does not present the original but is a copy of an older manuscript. Whether the older manuscript presented the original or was also a copy cannot be ascertained, but it is assumed that it was written in the same Scanian linguistic form as SKB A 115.

The poem, written in *knittel*, the normal form of mainland Scandinavian epic in the Middle Ages, appears to be based on Tischendorf's Da-group of texts (see above), i.e., Fabricius's text, to which reference will be made in the following,⁷³ but in a couple of instances there are readings that appear closer to other redactions. Johs. Brøndum-Nielsen suggests that the poem may to some extent be relying on a nonextant German poetic adaptation of the *Evangelium Nicodemi*; he bases his argument on the fact that the two almost unrhymed lines of verse, "ængchen stath mughu ui ihesum spøria. / Num ioseph sagho ui i arymathia" (vv. 27–28), may point to a Middle High or Low German poem with the rhyme "(er)vragen - (in arymathia wi[r]) sagen."

The poem contains altogether 103 lines of verse and covers the conclusion of the *Acta Pilati* ("Congregati ergo sunt omnes Judæi" . . . [14]) and the beginning of the *Descensus Christi ad inferos* (" . . . et scribemus vobis omnia quæ vidimus" [17]). Its original size remains unknown. The text of the fragment appears to presuppose earlier (nonextant) accounts of Nicodemus's defence of Christ, of Joseph of Arimathea, who requested from Pilate the body of Christ and gave it burial, of the guardians at the grave, who brought the news of Christ's Resurrection, and of the three men of Galilee

⁷² *Et gammeldansk Digt om Christi Opstandelse efter Fragment Stockh. A 115 (c. 1325)*, ed. Johs. Brøndum-Nielsen, Det Kongelige Danske Videnskabernes Selskab, Historisk-filologiske Meddelelser 35.1 (Copenhagen, 1955). The poem had previously been edited by Isak Collijn, "Nyfunna fragment af fornsvenska handskrifter bland räkenskapsomslagen i Kammararkivet," *Sammlaren* 34 (1913): 275–93. The following discussion of the poem is in the main a resumé of Brøndum-Nielsen's exhaustive analysis of the work.

⁷³ *Codex Apocryphus Novi Testamenti*, ed. Johannes Albertus Fabricius (Hamburg, 1703).

who witnessed the Ascension on the Mount of Olives. Definite or probable allusions to these accounts appear in the fragment. Other sections of the *Evangelium Nicodemi*, such as the Jews' charges against Christ, Pilate's inquiry, and the account of Charinus and Leucius of the events in Inferus would appear to have been an obvious part of the poem. It is possible, perhaps probable, that the manuscript contained a gathering consisting of six to seven double-leaves, of which the fragment formed the middle leaf.

Although the rhymes reveal a poor prosodic routine, the work is not unpoetic. Several words or phrases suggest a poetic stylistic tradition, whether native or foreign, such as the asyndetic "yuir biargh dala scogha thranga" (v. 22) as opposed to the common literary syndetic "gothe clærka. riddara oc suena" (v. 16), where influence from courtly style is discernible in the vocabulary, the literary simile in "thætt hiarta ryghe s[ua hart sum eet] staa" (v. 64), and the ballad-like "gotha l[økko oc cranka] bathe" (v. 76). But on the whole the style is straightforward, e.g., "oc mana [tho them um guth o]c alt thætt guth scop" (v. 94) and "Sighir [um thæn sum ith]ær resde af døth. / ær thæs guz [sun sum os thæsse] logh bōth" (vv. 95–96). Brøndum-Nielsen concludes that both usage and diction are close to prose and spoken language, although sometimes the style does suggest a literary tradition.⁷⁴

The translator (or adaptor) has rendered the Latin text freely, e.g., "Sed venite, ambulemus ad istos, cum omni honore et moderatione, perducamus eos ad nos" (17) > "[att thæsse hæl]ghe mæn mato til ithær nocott mæla" (v. 82). In a couple of instances he appears to follow the Vulgate rather than the *Evangelium Nicodemi*. Thus, in the poem (v. 18) and in 4 Kings 2:17 Eliseus sends men out to seek Elias, whereas in the *Evangelium Nicodemi* Eliseus (Helisæus) himself goes out to seek Elias. In "Han bedes af [guth att han thær] til lifthe. / att han mate ihesum i thæ[tta lif hitta]" (vv. 71–72) the poem seems closer to Luke 2:26 ("Et responsum acceperat a Spiritu sancto, non visurum se mortem, nisi prius videret Christum Domini"). In addition, a few additions and amplifications are found; apart from the couplet "Att ihesus ær op standen af døth. thætt sighia æi the ena. / Num thæt uittna gothe clærka. riddara oc suena" (vv. 15–16), for which no parallel is found in the Latin text, these do not contain factual information and are most probably caused by the rhyme, e.g., "mittamus viros in montes Israel" (15) > "Sua latum ui nu oc mæn um cring ganga. / yuir biargh dala scogha thranga" (vv. 21–22). Similarly, the "thre dagha"

⁷⁴ "Ordbrug og Diktion . . . staar gerne Prosaen og Talesproget nær, men hæver sig stundom ogsaa til en højere Stil med Præg af litterær Tradition. Jævnheden giver Digtet et tiltalende Særpræg" (*Et gammeldansk Digt*, 13–14).

(v. 25) is probably the translator's own addition, added as a parallel to the preceding "Thre dagha" in v. 19. In relation to the Latin there are also several omissions and simplifications. Thus, the words of Annas, Caiphas, and Nicodemus to Joseph (15) are omitted, the speech of Annas and Caiphas is simplified (14 > vv. 9–12), and the same applies to the content of the letter to Joseph (15 > vv. 33–34) and Joseph's praise of God (15 > vv. 35–36). From v. 57 onwards the translator tightens the narrative considerably. After Christ's words to Joseph ("... usque in quadragesimum diem non ex eas de domo tua. Ego autem ambulo ad discipulos meos" [15]) the *Evangelium Nicodemi* tells of the Jews' dismay, of "quidam Levita" who gives an account of the aged and devout Simeon, who took the infant Christ in his arms in the Temple and blessed him, of the three men of Galilee who repeat the account of the Ascension, and of Joseph who relates to the Jews that Simeon's two sons also arose from their graves. In the poem, the references to both "quidam Levita" and the three men of Galilee are omitted, and their words are put into the mouth of Joseph, who thus assumes a more leading role in the narrative.⁷⁵ Moreover, according to the poem (vv. 57–59), Joseph himself went to the Mount of Olives on the fortieth day and was one of the witnesses of the Ascension.

An Old Swedish prose translation of the entire *Evangelium Nicodemi* survives in three manuscripts. The oldest of these is SKB A 110 ("Codex Oxenstiernianus") from Vadstena. It consists of 300 leaves and is not a single book as such, but rather a collection of six manuscripts. The Swedish *Sermo angelicus*, a collection of miracles, and a translation of the Acts of the Apostles form a unit, the oldest, from 1385. The second book is incomplete and somewhat younger; it contains a translation of *Vitae Patrum* and a life of St. Bridget. The translation of the *Evangelium Nicodemi* is found along with a section of St. Bridget's revelations and a number of saints' lives in the third book, written in a hand no later than the beginning of the fifteenth century.⁷⁶ The second manuscript, Codex Skokloster 3 4^o (also called "Passionarius," now in Stockholm, Royal Archive [SRA]) from 1450–70, is presumably also from Vadstena.⁷⁷ It contains the *Old Swedish Legendary* (*Fornsvenska legendariet*), a collection of legends in chronological

⁷⁵ See Tue Gad, *Legenden i dansk middelalder* (Copenhagen, 1961), 253.

⁷⁶ *Klosterläsning*, ed. G. E. Klemming, Samlinger utgifna af svenska fornskrift-sällskapet 15 (Stockholm, 1877–78). The *Evangelium Nicodemi* translation is on 377–419. The references in the following are to this edition.

⁷⁷ Vilhelm Gödel (*Sveriges medeltidslitteratur. Proveniens* [Stockholm, 1916], 46) draws attention to the fact that from some comments at the end of the manuscript it is clear that in 1531 it was owned by a certain Anna at Aspenäs in Upland, the wife of Sten Thuresson Bielke. This might suggest that the codex is from that area, though he also notes that it gives the impression of being from Vadstena.

order from the beginning of Christianity until the mid-thirteenth century, composed probably by a Dominican friar no later than ca. 1300.⁷⁸ It is believed that the translation of the *Evangelium Nicodemi* did not originally belong to the *Old Swedish Legendary*, since it is not found in the two older manuscripts of the legendary, SKB A 34 and Upps. C 528.⁷⁹ The third manuscript, SKB A 3, from Vadstena, was written in 1502. It originally consisted of a three-volume lectionary arranged according to the Church year for the nuns of Vadstena. The first volume contained the time from Simon and Judas (28 October) until the Octave of Christmas, the second from the Octave of Christmas until Trinity Sunday, and the third from Trinity Sunday until Simon and Judas. Volumes one and three were written by the sisters Katarina Gudmundi and Anna Girmundi and prepared by Elseby Gjordsdotter under the direction of the abbess Anna Fickesdotter Bylow; volume two, about which little is known, is designated as "modher syster Märitta bok." Volume one is still extant, volume two is lost, and only six leaves are preserved of volume three. In volume one, fols. 13–19, chapters 1–9 of the *Evangelium Nicodemi* translation are found under the title "Thetta är läst nichodemi." The rest of the translation appears on fols. 72–80 under the title "Thetta är aff nichudemi läst som enkannelika röre wars herra opstandilse."⁸⁰ These sections of SKB A 3 have not been edited.

Like the Danish poetic adaptation, the Swedish text is based on Tischendorf's Da-group of texts,⁸¹ but unlike the Danish, the Swedish presents a very literal rendering of the Latin. In a few instances Latin phrases are retained (though with accompanying translations) especially in the rendering of biblical quotations, e.g., "Nunc dimittis domine &c" (Luke 2:29; p. 402.22–23).⁸² Whereas omissions and simplifications are minor and gener-

⁷⁸ *Ett forn-svenskt legendarium innehållande medeltids kloster-sagor om helgon, påfvar och kejsare ifrån det I:sta till det XIII:de århundradet*, ed. Georg Stephens, 2 vols., Samlingar utgifna af svenska fornskrift-sällskapet 7.1–2 (Stockholm, 1847–58). Sections from SRA 3 4^o are edited on 965, 994, 999–1006. Other manuscripts of textual significance containing this legendary are SKB A 34 (Codex Bureanus) from 1350, Uppsala, University Library (Upps.) C 528 (Codex Bildstenianus) from the early fifteenth century, and SKB A 124, a fragment from ca. 1300–1350. For a discussion of the filiation of these manuscripts, see Valter Jansson, *Fornsvenska legendariet: Handskrifter och språk*, Nordiska texter och undersökningar utgivna i Uppsala av Bengt Hesselman 4 (Stockholm and Copenhagen, 1934).

⁷⁹ The *Evangelium Nicodemi* translation is found in *Svenska medeltidens bibelarbeten*, ed. G. E. Klemming, 2 vols., Samlingar utgifna af svenska fornskrift-sällskapet 9 (Stockholm, 1848–55), 2:373–411.

⁸⁰ A list of the contents of volume one is given by G. E. Klemming in *Bonaventuras betraktelser öfver Christi lefverne: Legendan om Gregorius af Armenien*, Samlingar utgifna af svenska fornskrift-sällskapet 15 (Stockholm, 1859–60), xii–xxiii.

⁸¹ See *Et gammeldansk Digt*, 9.

⁸² SRA 3 4^o has "Nunc dimittis domine in pace seruum tuum quia viderunt oculi mei salutare tuum" (*Svenska medeltidens bibelarbeten* 2:396.12–14).

ally rare, amplifications and expansions are common. They include doublet renderings (e.g., "Archi Synagogos" [1] > "iudha kirkionna formän ok almoghans allirmän" [p. 380.10–11], "honorabilis" [15] > "hedhirlikin ok älskelikin" [p. 400.9]), explanatory notes (e.g., "ab Arimathia" [11] > "af aramathia swa hetande stadh i iudhalande" [p. 393.31]), as well as amplifications in order to create a more dramatic effect (e.g., "Ego nec unam culpam invenio in Jesum" [4] > "Nw for stund sagdhe iak idhir, himil oc iordh oc sool hawir iak til tygh at iak ey finna kan ena minzsta sak mz ihesu" [p. 384.16–18]). Now and then factual information (from the biblical story) is added, e.g., "... oc blandadhan dryk mz ätikio oc galla oc bitra mirram gutu the i swamp oc opsändo thz for hans mun at han skulle thz drikka" (p. 391.12–15). Although the translator adheres closely to the Latin text, native idiomatic expressions are found, e.g., "ex fornicatione" (2/9) > "af frillo säng" (p. 382.24) / "i hordom" (p. 388.28), "occidere" (3) > "af daghom taka" (p. 383.21). A slight mistranslation occurs in the rendering of "... dicentes: Si ipsum esse creditis Jesum, qui vos suscitavit à mortuis, dicite nobis quod vidistis, et quomodo resuscitati estis à mortuis" (17) > "... vm i tron oppa ihesum som idhir opreste af dödha" (p. 404.17–18).⁸³ Finally, in the Swedish text (as in the Danish and in the Vulgate) Eliseus sends men out to seek Elias: "... wtuäliom os män som vmgange israels biärgh. oc vanlica the finna han" (p. 399.13–16).

Allusions to the descent appear in Swedish and Danish prayer books from the late Middle Ages. In the Swedish prayer books, a reference is found in prayer no. 23,⁸⁴ and in the Danish books references appear in prayers nos. 23, 87, 209, and 341.⁸⁵ The Danish prayer book *Visdoms spejl*, nos. 527–836, preserved in AM 784 4^o and AM 782 4^o, contains a direct allusion to the *Evangelium Nicodemi* among the seventy-five Easter prayers.⁸⁶

As in Old Norse-Icelandic literature, there are also in Old Danish and Swedish literature stories of the life of Pilate which are, at least thematically, related to the *Acta Pilati* section of the *Evangelium Nicodemi*. In Swedish, a Pilate legend, based on the *Legenda Aurea*, is found in the *Old Swedish Legendary* (see above). Another Swedish version of the legend appears in *Siælinna thröst* from around 1420, which survives in SKB A 108 from ca.

⁸³ See *Et gammeldansk Digst*, 102.

⁸⁴ *Svenska böner från medeltiden*, ed. Robert Geete, Samlingar utgifna af svenska fornskrift-sällskapet 131, 133, 135 (Stockholm, 1907–9), 63–66; see also Tue Gad, "Kristus," in *Kulturhistorisk Leksikon for nordisk middelalder*, vol. 9 (Copenhagen, 1964), cols. 365–77, esp. col. 376.

⁸⁵ *Middelalderens danske bønneböger*, ed. Karl Martin Nielsen, 4 vols. (Copenhagen, 1945–63), 1:101–2, 2:80–81, 300–301.

⁸⁶ *Ibid.* 3:179–473. See Gad, *Legenden*, 278, and "Kristus," 376.

1438–42.⁸⁷ The work is a translation of a Low German adaptation of the *Legenda Aurea*, *Der große Seelentrost*, from the mid-fourteenth century, but augmented with material drawn from the Vulgate, Peter Comestor's *Historia Scholastica*, and a number of Swedish works. It consists in the main of an exposition of the Ten Commandments, which are explained through various biblical and profane legends, miracles, and the like. The Pilate legend is found in the exposition of the Fifth Commandment, and it is clear that the translator or compiler was acquainted with the *Evangelium Nicodemi* ("Tho scrifwer nichodemus at tha war herra war upstandin aff dødha . . ." [p. 272]), though the source is here Upps. C 528 (*Old Swedish Legendary*, see n. 78), which refers to the *Evangelium Nicodemi* on the same occasion.⁸⁸ A translation from the original of the Swedish *Siælinna thrøst* into Danish (*Siæla trøst*) survives in the fragments Upps. C 529 and SKB A 109, both from around 1425, but only the middle section of the Pilate legend is extant.⁸⁹

CONCLUSION

The *Evangelium Nicodemi* and its subject enjoyed widespread popularity in Scandinavia throughout the Middle Ages and well into modern times. It is represented by a variety of translations ranging from very literal (the Old Swedish translation) to free renderings (the Old Norse-Icelandic *Niðrstigningsarsaga*) and from prose to poetry (the Old Danish poem and the Icelandic *Niðurstigningsvísur*). Allusions to one of the main themes of the work, the Harrowing of Hell, are found widely both in poetry and prose, mostly within the religious literature of medieval Scandinavia, but significantly also in secular literature, King Magnús's *Landsløg* and *The Fourth Grammatical Treatise*. The theme was of particular interest to medieval writers, and its varied, at times innovative, treatment combined with powerful imagery and doctrinal content provided writers and audiences alike with an absorbing, dramatic story concerning redemption and judgment.

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⁸⁷ *Siælinna thrøst. Førsta delin aff the bokinne som kallas Siælinna thrøst*, ed. Sam. Henning, Samlingar utgifna af svenska fornskrift-sällskapet 59 (Uppsala, 1954). The Pilate legend is on 265–72.

⁸⁸ "Nicodemus writes that when our Lord had arisen from the dead. . . ." See *Siælinna thrøst*, 272.

⁸⁹ *Sjælens Trøst ("Siæla trøst")*, ed. Niels Nielsen, Universitets-jubilæets Danske Samfund (Copenhagen, 1937–52), 28–30.

THE PENITENTIAL OF FINNIAN AND THE TEXTUAL WITNESS OF THE *PAENITENTIALE VINDOBONENSE* "B"*

Rob Meens

One of the major contributions of Insular Christianity to the religious life of the medieval Church was the development of private penance. In the sixth century the Britons and the Irish developed a system of confession and penance that differed in a number of ways from the canonical method of performing penance practised in late antiquity. In contrast to this older penitential system, penance was repeatable, could be performed before a priest, and had a much more private character. Auricular confession was an essential part of this Insular penitential system.¹

It is probable that the frequency of confession and penance increased significantly as a result of the introduction of this new system: not only was penance made repeatable, but the range of sins included in this Insular mode of hearing confession also increased. This laid a heavy burden on the simple priests, for they had to assign the appropriate penance for the multitude of varying sins confessed to them. In order to help them penitentials were composed. These booklets gave the priests guidelines in their levying of penances.² It should be stressed that these texts were not

* I would like to thank Prof. Roger Reynolds, Prof. Michael Lapidge, Drs. Marc Schneiders, and two anonymous readers, who read an earlier version of this article and made helpful suggestions.

¹ For a useful introduction to the history of penance in the Early Middle Ages, see A. J. Frantzen, *The Literature of Penance in Anglo-Saxon England* (New Brunswick, N.J., 1983), a work wider in scope than its title suggests. The following older works are still useful: B. Poschmann, *Die abendländische Kirchenbuße im frühen Mittelalter* (Breslau, 1930); J. A. Jungmann, *Die lateinischen Bußriten in ihrer geschichtlichen Entwicklung* (Innsbruck, 1932); É. Amann, "Pénitence: II. La pénitence privée," *Dictionnaire de Théologie Catholique* 12.1 (1933), cols. 845–948.

² On these texts, see Frantzen, *Literature*; C. Vogel, *Les "Libri Paenitentiales," Typologie des sources du moyen âge occidental* 27 (Turnhout, 1978); the *Mise à jour* of Vogel, by A. J. Frantzen (Turnhout, 1985); R. Kottje, "Bußbücher," *Lexikon des Mittelalters*, vol. 2 (Munich, Zürich, 1983), cols. 1118–21; R. Kottje, "Bußpraxis und Bußritus," in *Segni e riti*

meant to function in a mechanical way, as has often been claimed. In their discursive parts the role of the priest in determining the proportionate penance is continuously emphasized. Before assigning a penance, the priest is to use his *discretio* to assess the sinner's personality and the circumstances in which he sinned.³

Penitentials are of interest not only for the history of confession; they also provide the historian with information on early medieval society, regarding topics such as sexuality, superstitious practices, and attitudes towards food. The value of these sources is enhanced by the fact that other texts often neglect the topics treated here. Because these texts were used in pastoral work, in the direct contact of the clerics with their flock, they reflect attitudes, behaviour, and beliefs of Christians that we do not find in other sources. With the growing interest in social history and in the history of culture and mentalities, the attention being paid to these texts has increased.⁴ Although this has resulted in a growing quantity of detailed studies on penitentials, new critical editions have not yet been published.⁵ An exception is Ludwig Bieler's edition of the Irish penitentials, a work that has been duly praised.⁶ In some cases, however, Bieler did not use a direct witness to a text; instead, he used a younger work in which canons from Irish texts were included. This is, of course, perfectly admissible when

nella chiesa altomedievale occidentale, 2 vols, Settimane di studio del Centro Italiano di studi sull'alto medioevo 33 (Spoleto, 1987), 1:369-95.

³ See P. J. Payer, "The Humanism of the Penitentials and the Continuity of the Penitential Tradition," *Mediaeval Studies* 46 (1984): 340-54, esp. 342-46; and Frantzen, *Literature*, 7-11.

⁴ See, e.g., R. Kottje, "Eine wenig beachtete Quelle zur Sozialgeschichte: Die frühmittelalterlichen Bußbücher—Probleme ihrer Erforschung," *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 73 (1986): 63-72; M. G. Muzzarelli, ed., *Una componente della mentalità occidentale: I Penitenziali nell'alto medio evo* (Bologna, 1980); and A. Gurevich, *Medieval Popular Culture: Problems of Belief and Perception*, trans. J. M. Bak and P. A. Hollingsworth (Cambridge, 1988), 78-103.

⁵ Most of these text are only available in the editions of F. W. H. Wasserschleben (*Die Bussordnungen der abendländischen Kirche* [Halle, 1851]) and H. J. Schmitz (*Die Bussbücher und die Bussdisciplin der Kirche* [Mainz, 1883] [=Schmitz I], and *Die Bussbücher und das kanonische Bussverfahren* [Düsseldorf, 1898] [=Schmitz II]). R. Kottje initiated a project to edit the continental penitentials; see R. Kottje, "Erfassung und Untersuchung der frühmittelalterlichen kontinentalen Bußbücher: Probleme, Ergebnisse, Aufgaben eines Forschungsprojektes an der Universität Bonn," *Studi Medievali*, 3d ser., 26 (1985): 941-50.

⁶ L. Bieler, ed., *The Irish Penitentials*, *Scriptores Latini Hiberniae* 5 (Dublin, 1963). See, e.g., the reviews in *Historisches Jahrbuch* 84 (1964): 404-6 (R. Kottje); *Theological Studies* 25 (1964): 284-87 (W. Le Saint); *The Journal of Theological Studies*, n.s., 15 (1964): 424-26 (P. B. Corbett); *Medium Aevum* 34 (1965): 131-34 (G. S. M. Walker); *Studia Hibernica* 4 (1964): 218-21 (G. Mac Niocaill). More critical is the review by H. Hoffmann in *Zeitschrift für Kirchengeschichte* 76 (1965): 353-55. Cf. Frantzen, *Literature*, 199, writing on Bieler's edition: "masterful in many respects, it is not without flaw, and it is unfortunate that so little new research has followed in its path."

textual witnesses are so few, as is the case with the Irish penitentials. But a serious problem with Bieler's editions is that he obscures the original context of the canons taken from later works. We can show how this affects his editions by considering his reconstruction of the text of the oldest penitential of which the author is known: the penitential of Finnian.⁷

Finnian's penitential is, according to Bieler, "the earliest Irish penitential now in existence."⁸ The Irish origin of this text has recently been contested, as we will see below, and it remains to be seen if the *Paenitentiale Ambrosianum*—which has been recently shown to be a source of the penitential of Cummean, and not its derivative—proves to be as old as Finnian's work.⁹ Nevertheless, we are dealing with a source of the utmost importance in the history of penance, and with the oldest penitential of which the author's name is transmitted. Therefore it seems justified to examine the original text as written by Finnian.

THE ORIGIN OF FINNIAN AND HIS PENITENTIAL

Before we turn to the more technical question of Bieler's edition, something should be said about the author of this text. In the epilogue, which is only transmitted in one manuscript, the author makes himself known as Uinniaus. Traditionally this name has been associated with two Irish saints: Finnian of Clonard and Finnian of Moville.¹⁰ Bieler found it impossible to decide between these two alleged authors.¹¹ Recently Léon Fleuriot made a case for the identification of Uinniaus with the Breton saint named Winniau. He argued for a Breton origin of the author of our penitential and of the text itself. Later this Breton saint would have migrated to Ireland, to Clonard. Fleuriot's argument rests on two main points. First, there is some manuscript evidence. Two manuscripts containing extracts from the penitential of Finnian were in fact written in Brittany. His second point is linguistic. The name Finnian is written in many different forms, and it would be difficult to explain these forms if this were not a Breton name that was later hibernicized.¹²

⁷ A similar problem occurs in his edition of the penitential of Cummean, where he uses the manuscript Oxford, Bodleian Library Bodl. 311, written in the tenth century by a writer named Iohannes. It remains unclear if we are dealing here either with a direct textual witness to Cummean's penitential or with a younger work in which Cummean is used extensively; see Bieler, *Irish Penitentials*, 17–18.

⁸ Bieler, *Irish Penitentials*, 3.

⁹ L. Körntgen, *Studien zu den Quellen der frühmittelalterlichen Bußbücher*, Quellen und Forschungen zum Recht im Mittelalter 7 (Sigmaringen, 1992), 7–86.

¹⁰ See, e.g., Vogel, *Les "Libri Paenitentiales"*, 64–65.

¹¹ Bieler, *Irish Penitentials*, 3.

¹² L. Fleuriot, "Le 'saint' breton Winniau, et le pénitentiel dit 'de Finnian'?" *Études cel-*

Fleuriot's views on the origin of Finnian and his penitential were contested by Pádraig Ó Riain. Although extracts from Finnian's penitential appear in Breton manuscripts, Ó Riain pointed out that they form part of a largely Irish group of texts in these codices. Moreover, he regards Fleuriot's linguistic argument as inconclusive. According to Ó Riain, Fleuriot neglected the full, non-hypocoristic occurrences of the name Finnian in forms such as *Findbarr*, which appear only in Irish sources. Hence, Ó Riain considers it more plausible that Finnian became known outside Ireland only through Irish sources.¹³ Ó Riain himself attributes the penitential to Finnian of Moville. According to him, we are dealing not with several different saints named Finnian but rather with one single cultus. This "originally undivided cultus" would have spread from Moville and developed several local forms of cult, one of them in Clonard.¹⁴ David Dumville, however, accepts the thesis put forward by Fleuriot on the assumption of the existence of a radical form of the British hypocoristic *Uinniau*. Apparently he is not convinced of the fact that this *Uinniau* would have been of Breton origin. His name could have belonged to "any of the neo-Brittonic languages," and consequently Dumville argues for a Brittonic origin of Finnian.¹⁵ Richard Sharpe also favours a British origin of the saint, though he thinks it is "likely that he went to Ireland, and that his life's work was in that country."¹⁶

Regardless of where Finnian may have been born, we can safely say that his penitential has strong Irish connections. Even if we are dealing with a saint of Breton or Brittonic origin, who later migrated to Ireland, it is impossible to tell whether this penitential was written in Brittany, among the British in Britain, or in Ireland. It was, however, most influential through the penitential of Columbanus, and the two manuscripts that contain almost the entire text of Finnian's penitential stem from places with strong Irish

tiques 15 (1976–78): 607–14. Cf. idem, "Die Bretagne und die Bretonen in den Beziehungen zwischen den keltischen Ländern und Kontinentaleuropa vom IV. bis zum X. Jahrhundert," in *Virgil von Salzburg: Missionar und Gelehrter*, ed. H. Dopsch and R. Juffinger (Salzburg, 1985), 52–58.

¹³ P. Ó Riain, "Finnian or Winniau?" in *Irland und Europa: Die Kirche im Frühmittelalter / Ireland and Europe: The Early Church*, ed. P. Ní Chatháin and M. Richter (Stuttgart, 1984), 52–57, esp. 56. P. Byrne, moreover, pointed out that Brittanian forms are evident in the names of many Irish churchmen; P. Byrne, "The Community of Clonard, Sixth to Twelfth centuries," *Peritia* 4 (1985): 157–73, esp. 159.

¹⁴ Ó Riain, "Finnian or Winniau?" 52–53; and idem, "St. Finnian: A Study in Cult," *Journal of the Cork Historical and Archaeological Society* 82 (1977): 63–82.

¹⁵ D. Dumville, "Gildas and Uinniau," in *Gildas: New Approaches*, ed. M. Lapidge and D. Dumville (Woodbridge, 1984), 207–14 at 209.

¹⁶ R. Sharpe "Gildas as a Father of the Church," in *Gildas: New Approaches*, 193–205 at 198.

connections: St. Gall and Salzburg.¹⁷ It seems, therefore, that this penitential was transmitted to the Continent mainly by the Irish *peregrini*. The fact that it was known in places where Irishmen settled is a case in point, and, furthermore, we can infer that the great Irish *peregrinus* Columbanus took a copy of it with him to *Francia*. So it may well have been regarded on the Continent as a text of Irish origin. The exact date of composition cannot be established, but, as it was used by Columbanus when he wrote his penitential, it must have existed before that time. It is commonly supposed that Columbanus wrote his penitential after he had left Ireland in the year 591. So we may safely assume that the penitential of Finnian is a text with strong Irish connections dating from the sixth century.¹⁸

FINNIAN'S PENITENTIAL AND THE *PAENITENTIALE VINDOBONENSE* "B"

Finnian's penitential is, like the Irish penitentials of Columbanus and Cummean, known only from continental manuscripts. We have already mentioned the extracts in two manuscripts written in Brittany.¹⁹ Furthermore, there is a manuscript written and still found at the monastery of St. Gall (*S* in Bieler's edition) and a manuscript written in Salzburg and now preserved in Vienna (*V* in Bieler's edition).²⁰

According to Bieler, *V* is the only manuscript that is complete, preserving the older and more authentic text, whereas in *S* the spelling is more or less normalized and the diction often "polished."²¹ Hence, *V* is of major importance for the establishment of Finnian's text. As Bieler indicates, however, we are not dealing with a straightforward copy of Finnian's penitential.²² In *V* Finnian's work is included, partly *en bloc* and partly scattered, within a later penitential, the so-called *Paenitentiale Vindobonense* "b." This penitential is essentially a compilation of four older penitentials: two Irish ones (the penitentials of Finnian and Cummean), the Anglo-Saxon

¹⁷ R. Kottje, "Überlieferung und Rezeption der irischen Bußbücher auf dem Kontinent," in *Die Iren und Europa im früheren Mittelalter*, ed. H. Löwe, 2 vols. (Stuttgart, 1982), 1:511–24 at 516–17.

¹⁸ Bieler, *Irish Penitentials*, 3–4.

¹⁹ These are Paris, Bibliothèque Nationale lat. 3182 (Bigotianus) and lat. 12021 (Sangermanensis 121); see Bieler, *Irish Penitentials*, 12–14 and 17.

²⁰ On the manuscript St. Gall, Stiftsbibliothek 150, see Bieler, *Irish Penitentials*, 15; see also L. Mahadevan, "Überlieferung und Verbreitung des Bußbuchs 'Capitula Iudiciorum,'" *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 72 (1986): 17–75, 34–37. For the Vienna manuscript, see n. 27 below.

²¹ Bieler, *Irish Penitentials*, 17.

²² *Ibid.*

penitential ascribed to Theodore of Canterbury, and the continental *Excarpus Cummeani*.²³ A closer look at the way the compiler of this penitential handled his sources allows us to make some corrections in Bieler's edition of Finnian's penitential.

The other manuscript, *S*, preserves the original order of Finnian, but unfortunately it is incomplete; it breaks off shortly before the end of the text in the middle of a sentence, probably because the exemplar already was incomplete. In seven canons the formulations of *S* and *V* differ significantly. Bieler printed these synoptically and thereby lent equal weight to both versions.²⁴ Only Richard Sharpe has expressed some reservations on the authenticity of the canons from manuscript *V*.²⁵ This article will show that Sharpe was correct and that the version in *S* has a much stronger claim to authenticity than the version in *V* has in these cases.²⁶

First, however, it will be necessary to look more closely at the *Paenitentiale Vindobonense* "b," of which Finnian's penitential forms a part in manuscript *V*. This penitential is known only from this manuscript, written at the end of the eighth century in Salzburg.²⁷ The penitential was identified by F. W. H. Wasserschleben, who edited only some small parts of it and summarized the rest of its contents.²⁸ Wasserschleben called this penitential *Vindobonense* "b" to differentiate it from the so-called *Paenitentiale Vindobonense* "a."²⁹

²³ F. B. Asbach, *Das Poenitentiale Remense und der sogen. Excarpus Cummeani: Überlieferung, Quellen und Entwicklung zweier kontinentaler Bußbücher aus der 1. Hälfte des 8. Jahrhunderts* (Regensburg, 1975), 86–90.

²⁴ Canons 30, 39–40, and 42–45; see Bieler, *Irish Penitentials*, 84, 88, 90. Wasserschleben did not print these canons synoptically in his edition (*Bussordnungen*, 108–19), although he too took *Vindobonense* XII,5 for Finnian canon 30. About the other problematical canons from Finnian, 39–40 and 42–45, he is ambiguous. He does not mention them in his analysis of the inclusion of canons from Finnian in *V*, but he concludes that only canon 32 (31 in Bieler) is omitted from this manuscript. He does not indicate where he found these problematical canons (see *ibid.*, 108 n. 1). Schmitz apparently based his edition on Wasserschleben's, and he also prints only the text from manuscript *S* (Schmitz I, 502–9).

²⁵ R. Sharpe, "Some Problems Concerning the Organization of the Church in Early Medieval Ireland," *Peritia* 3 (1984): 230–70 at 251 n. 2.

²⁶ Dumville states that Bieler "misconstrued the text-history" of this penitential, and he announces a new edition, but he does not indicate in what way Bieler may have gone wrong (Dumville, "Gildas and Uinniau," 208 n. 10).

²⁷ On the date of this manuscript, Vienna, Österreichische Nationalbibliothek lat. 2233, see the following: Bieler, *Irish Penitentials*, 15; E. A. Lowe, *Codices Latini Antiquiores* X (Oxford, 1963), no. 1509; Asbach, *Das Poenitentiale Remense*, 39; O. Mazal, "Die Salzburger Dom- und Klosterbibliothek in karolingischer Zeit," *Codices Manuscripti* 3 (1977): 44–64 at 47. Bernhard Bischoff's doubt on the Salzburg origin of this manuscript, as expressed in Bieler, *Irish Penitentials*, 15 n. 1, was later retracted; see B. Bischoff, *Die südostdeutschen Schreibschulen und Bibliotheken in der Karolingerzeit*, vol. 2 (Wiesbaden, 1980), 91.

²⁸ Wasserschleben, *Bussordnungen*, 493–97.

²⁹ On this penitential, see G. Hägele, *Das Paenitentiale Vallicellianum I: Ein oberitalienischer Zweig der frühmittelalterlichen kontinentalen Bußbücher. Überlieferung, Verbreitung*

The *Vindobonense* "b" has been more or less neglected, until Asbach analyzed its sources because it contained the *Excarpsus Cummeani*. Asbach presented a very useful analysis, but by looking at the way the anonymous compiler handled his sources, we can extract even more information from this penitential as it touches the penitential of Finnian.³⁰

METHOD OF COMPILATION OF THE *VINDOBONENSE* "B"

A study of the sources used in this penitential shows that the compiler generally included whole series of canons from his sources. He sometimes omits canons, but only very seldom does he alter their original order.³¹ At times he inserts material extracted from another source, but usually at places where there is some link with the earlier part. Thus, in chapter one, for example, the texts are largely based on the first chapter of the *Excarpsus Cummeani*, but the last canon from this series, *Excarpsus* I,13, is based in turn on canon I,12 of the penitential of Cummean, another source our compiler used.³² Apparently he noticed this similarity of the two sources, for he added the next two canons of the penitential of Cummean, I,13–14. In the following chapter he took up the *Excarpsus* again, beginning with I,14–32. This is very clear in a diagrammatic presentation of the sources of these chapters:

Chap. I: De uitiiis gule et ebrietate uel uomitu.

Sources: *Excarpsus* I,1

Cummean I,1

Excarpsus I,2–13 (I,13: cf. Cummean I,12)

Cummean I,13–14

und *Quellen*, Quellen und Forschungen zum Recht im Mittelalter 3 (Sigmaringen, 1984), 43–48; Hägele shows it to be a younger version of the *Paenitentiale Merseburgense a*.

³⁰ Asbach, *Das Poenitentiale Remense*, 86–90; the *Vindobonense* is, of course, noted in the general works on penitentials by Vogel, *Les "Libri Paenitentiales,"* 76, and in the *Mise à jour* of this later work by Frantzen (p. 31), but not on the basis of original observations. At present I am preparing a study of continental penitentials, in which the *Paenitentiale Vindobonense* "b" will be analysed more fully.

³¹ For example, chap. II of the *Vindobonense* "b" includes *Excarpsus Cummeani* I,14–32; chap. V includes *Excarpsus* II,2–21; chap. VI includes *Excarpsus* II,22–26 and the Penitential of Theodore (U) I,8,1–7, I,8,10–14, I,9,2–9, and I,9,11–12. The latter penitential is edited in P. W. Finsterwalder, *Die Canones Theodori Cantuariensis und ihre Überlieferungsformen*, Untersuchungen zu den Bußbüchern des 7., 8. und 9. Jahrhunderts I (Weimar, 1929), 285–334. For further information, see R. Kottje, "Paenitentiale Theodori," in *Handwörterbuch zur deutschen Rechtsgeschichte*, ed. A. Erler and E. Kaufmann, vol. 3 (Berlin, 1984), cols. 1413–16.

³² Cummean's penitential is edited in Bieler, *Irish Penitentials*, 108–35. On the text and its author, see *ibid.* 5–7; Vogel, *Les "Libri Paenitentiales,"* 67–68.

Chap. II: De discretione ciborum mundis et inmundis.

Source: *Excarpsus* I,14–32

The same mechanism can be observed in chapter thirty-eight. Here the first five canons are based on *Excarpsus* XI,1–5. The last of these, XI,5, however, is based in turn on canons VIII,1–2 from the penitential of Cummean. After this canon the compiler included the next canon from Cummean's penitential, VIII,3, and then returned to the *Excarpsus* for the following three canons. Again the last of these, XI,8, is based on canon VIII,5 from Cummean's text, so here too he included the next canon from Cummean, VIII,6, and then returned to the text of the *Excarpsus*:

Chap. XXXVIII: De superbia, blasphemia, iactantia. . . .

Sources: *Excarpsus* XI,1–5 (XI,5: cf. Cummean VIII,1–2)

Cummean VIII,3

Excarpsus XI,6–8 (XI,8: cf. Cummean VIII,5)

Cummean VIII,6

Excarpsus XI,9–32

A similar procedure can be observed in chapters six to eight. These three chapters are based on two sources, the *Excarpsus* and the penitential of Theodore: the first four sentences of chapter six derive from the *Excarpsus*; the rest of chapter six is based solely on Theodore's penitential. As we have seen, the order of the canons follows these sources closely.³³ In the next two chapters it is more difficult to determine which of the sources our compiler used. All sentences appear in Theodore's penitential and in the *Excarpsus*. The two canons from chapter seven appear together in the same order in both sources, but in the penitential of Theodore they immediately follow the preceding canons, i.e., the last canons from chapter six. The first canon from chapter eight also fits in the original arrangement of Theodore's penitential, whereas in the *Excarpsus* the order is changed. But after this canon our compiler seems to have changed his sources, for now he follows the order of the *Excarpsus* until the end of this chapter. The order of the sentences allows us here to determine where the compiler changed from one source to another, though we should not forget that he was clearly capable of identifying a canon in another source. In a diagrammatic form the sources are as follows:

Chap. VI: De diverso lapsu servorum (Dei).

Sources: *Excarpsus* II,22–26

Theodore "U" I,8,1–7

Theodore "U" I,8,10–I,9,12

³³ See n. 31 above.

Chap. VII: De baptizatis bis qualiter peniteant.

Source: Theodore "U" I,10,1-2 (cf. *Excarpsus* XII,1-2)

Chap. VIII: De opere die dominica et qui die dominica ieiunet.

Sources: Theodore "U" I,11,1 (cf. *Excarpsus* XII,5)

Excarpsus XII,3-4

Excarpsus XII,6-8

This characteristic method of compilation can be observed in other instances too, but I have chosen to exemplify the compiler's method here by presenting some clear-cut cases. His method can thus be recognized in certain preferences. He was eager to incorporate series of canons from his sources in the new text without altering their original order. Furthermore, he showed himself able to identify the same canons in the different sources he used and preferred to switch from one source to another or to insert some canons at places where he had found one and the same sentence in two different sources. Now we will see how this relates to the transmission of Finnian's penitential in the *Vindobonense* "b."

THE USE OF FINNIAN'S PENITENTIAL IN THE *VINDOBONENSE* "B"

In the use of Finnian's penitential we can observe once again the compiler's practice of including series of canons without altering their original order. In chapter twelve the first canons from Finnian's penitential appear. Bieler printed the first four canons among those from Finnian with some reservations, for Wasserschleben had already expressed his doubt about Finnian's authorship of these four canons.³⁴ As these canons also appear in Cummean's penitential, and as the compiler switched at the end of the preceding chapter from the *Excarpsus* to this text, we may safely assume that we are dealing with canons taken from Cummean here. If we omit these four canons, then in chapters twelve to fourteen of the *Vindobonense* "b" we find eight canons that appear to be from Finnian. The first of these, canon 30 from Finnian's penitential, does not fit in the series and is one of the canons of which the formulation differs in *S* and *V*. It is a special case to which we shall return later. The other seven appear in the following order: Finnian canons 20, 21, 25, 26, 28, 29, and 32. So we can observe that the original order is preserved, although some sentences are left out. The longest series of canons from the penitential of Finnian runs from chapter fifteen to chapter twenty-four of the *Vindobonense* "b." This series starts with Finnian's first canon and ends with the epilogue. The original order is preserved here, and only

³⁴ Wasserschleben, *Bussordnungen*, 108 n. 1.

some canons are left out.³⁵ We find another small series in chapter thirty, where canons 10 to 13 from Finnian’s text are included in a chapter mainly based on the *Excarpsus*. According to Bieler, six other canons from Finnian appear in this chapter (Finnian canons 42–45, 39–40), but as they do not fit into the original order from Finnian, we again have a special case, to which we shall return. We find single canons from Finnian only in chapters twenty-nine and thirty-two; and we find two canons from Finnian together, in their original order in chapter thirty-three.³⁶

In two chapters we have found special cases in which the canons from Finnian do not fit into the original order of Finnian’s penitential. These special cases concern precisely those canons which Bieler printed synoptically, i.e., the canons in which the formulations in the two manuscripts, *S* and *V*, show remarkable differences. Let us first look at chapter twelve, where we find canon 30 from Finnian’s penitential. As we have shown above, the first half of this chapter is based on the penitential of Cummean. The second part is based on Finnian’s penitential. The sources of this chapter can be shown in the following way:

<i>Vindobonense</i>	Cummean	Finnian
XII,1	X,5	
XII,2	X,15	
XII,3	X,16	
XII,4	X,17	
XII,5	IX,14	30?
XII,6		20
XII,7		21
XII,8		25
XII,9		26

The “turning point” where the compiler changed his sources is canon 12,5, which corresponds with Cummean IX,14 and Finnian canon 30. This could mean that this canon was indeed included in both penitentials. It seems strange, however, that this canon does not fit into the order of either of these texts. In view of the characteristic method of compilation in this work, we would have expected it to follow directly on X,17 from Cummean’s penitential, or to precede Finnian canon 20. Whereas the first and last parts

³⁵ Canons from Finnian appear in the following order: 1–9, 14–19, 33–38, 41, 46–53, epilogue.

³⁶ Finnian canon 27 in chapter twenty-nine; canon 22 in chapter thirty-two; canons 23–24 in chapter thirty-three.

of this chapter follow the order of Cummean's and Finnian's penitentials respectively, this canon is best regarded as an anomaly. This makes it difficult to say anything about the status of canon 30 of Finnian's penitential on the basis of the arrangement of these canons alone. We will see, however, that the formulation of this canon allows certain deductions to be made.

Chapter thirty is the other chapter in which canons from Finnian do not fit into the original order of Finnian's penitential. Here the situation is much clearer. This chapter opens with five canons taken from the ecclesiastical synods of Orléans, Epaon, and Ancyra. Following these there are six canons from the *Excarpusus* and four from Finnian's penitential. Then the problematical canons 42–45 from Finnian appear, followed by a canon from the *Excarpusus*, which is followed directly by the other set of problematical canons, 39–40. After this there are nine more canons from the *Excarpusus*. This can be shown in the following way:

<i>Vindobonense</i>	<i>Excarpusus</i>	Finnian	Synods
XXX,1			Orléans 27
XXX,2			Epaon 30
XXX,3			Ancyra 36–37
XXX,4			Ancyra 40
XXX,5			Ancyra 41
XXX,6	III,24		
XXX,7	III,25		
XXX,8	III,26		
XXX,9	III,27		
XXX,10	III,28		
XXX,11	III,29		
XXX,12		10	
XXX,13		11	
XXX,14		12	
XXX,15		13	
XXX,16	III,30		
XXX,17	III,31	42–45?	
XXX,18	III,32	39–40?	
XXX,19	III,33		
XXX,20	III,34		
XXX,21	III,35		
etc.	etc.		

It will be clear that the problematical canons from Finnian in chapter thirty do not follow the order of Finnian's penitential but fit perfectly into the order of the *Excarpusus Cummeani*. This alone should be sufficient proof

for the conclusion that we are dealing not with a direct borrowing from Finnian's penitential but rather with canons taken from the *Excarpsus Cummeani*. These canons from the *Excarpsus* are based on Finnian's text via the penitential of Cummean, but the wording has changed significantly. Finnian wrote his text in a careful, elaborate style, and it was Cummean who changed this to a short and sober formulation. Cummean's text in turn was incorporated in the *Excarpsus*.³⁷

Apart from the order of the canons in the *Paenitentiale Vindobonense* "b," the wording of these sentences provides another basis for establishing the authorship of the problematical canons in this penitential. To give but one example, in canon 41 Finnian prescribes what a married couple should do if the wife is sterile:

Si qui<s> habuerit uxorem sterilem non debet demittere uxorem suam propter sterilitatem suam, sed ita debet fieri, ambo manere in continentiam suam, et beati sunt si permanserint casti corpore usquequo iudicauerit Deus illis iudicium uerum et iustum. Credo enim si tales fuerint quales fuerunt Abraham et Sarra siue Isaac et Rebecca et Anna mater Samuhel uel Elis[h]abet mater Iohannis, bene illis in nouissimo diregetur (*lege* di<e> geretur?); dicit enim apostolus: "Et qui habent uxores sic sint quasi non habentes. Preterit enim figura mundi huius" [1 Cor. 7:29]. Si autem manseremus fideles in his quecumque dederit Deus si<ue> prosperum siue contrarium, semper suscipiemus gloriam Dei in gaudio.³⁸

Cummean chooses to present only the bare essence of Finnian's text to his readers:

Cuius uxor est sterilis, ambo, et ille et illa, in continentia sint.³⁹

This same phenomenon appears in all of the problematical canons. For example, in canon 40 Finnian discusses the case what to do when a man has had sexual intercourse with his female servant and begets a child by her:

Si autem genuerit ex illa ancilla filium unum aut duos uel tres, oportet eum (*lege* <per> eum?) libera fieri ancilla, et si uoluerit uenundari eam, non permittatur ei, sed separentur ab inuicem et peniteat annum integrum cum pane et aqua per mensuram; et non intret amplius ad concubinam suam, sed iungatur propriae uxori.⁴⁰

³⁷ On this, see Asbach, *Das Poenitentiale Remense*, 176–78.

³⁸ Bieler, *Irish Penitentials*, 88–90.

³⁹ Cummean II,28 (*ibid.*, 116).

⁴⁰ Finnian canon 40 (*ibid.*, 88).

In the *Paenitentiale Vindobonense* "b" the text is as follows:

Si genuerit filium ex ea, liberet eam.

It is clear that this is much closer to Cummean's formulation, "Si genuerit ex ea filium, liberet eam," than to Finnian's.⁴¹ This holds true for all of the problematical canons of Finnian's penitential. It also applies to the problematical canon thirty in chapter twelve, where the arrangement of the canons proved to be inconclusive. Regarding, however, the other problematical canons and the formulation of this canon, we may conclude that this canon in *V* forms no part of the original penitential of Finnian either. Here we are probably dealing with a text taken from the genuine penitential of Cummean, and not from his *Excarpsus*, for Cummean provided the canons for the rest of this chapter.

CONCLUSION

On the basis of the method of compilation used in the *Paenitentiale Vindobonense* "b" and the wording of the text, we may conclude that the *V*-version of the canons that Bieler printed synoptically forms no part of Finnian's original text. Bieler took these canons out of their context, the *Paenitentiale Vindobonense* "b," and treated them as if they were part of the original penitential of Finnian. These canons from the *Paenitentiale Vindobonense* "b" are based on the *Excarpsus Cummeani* or on the genuine penitential of Cummean, not on Finnian's work, and there is no reason to print these canons in an edition of Finnian's penitential. Although the oldest Irish penitential known is the ultimate source for these canons, Finnian was far more eloquent and his style more elaborate than the sober and short formulations of Bieler's *V*-version suggest.

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⁴¹ Cummean II,27 (*ibid.*, 116).

BAPTISMAL RITE AND PASCHAL VIGIL IN TRANSITION
IN MEDIEVAL SPAIN:
A NEW TEXT IN VISIGOTHIC SCRIPT*

Roger E. Reynolds

In the rich manuscript collection of the Biblioteca Nazionale Marciana in Venice there is a miscellany of fragments from medieval codices notable for the various scripts in which they are written. The codex, Marc. lat. XIV.232 (4257; olim XCIX.3), was originally in the private collection of Iacopo Morelli, the librarian of the Marciana from 1778 to 1819, and still bears his number 420. On one of the first paper folios prefacing the collection, there is a general description of contents: "Fragmenta Codicum Manuscriptorum Latinorum Graecorumque a seculo VII usque ad seculum XV a me Jacobo Morellio collecta — MDCCCXVII." Morelli either put together the disparate fragments or enlarged an existing collection. His reasons for doing so are not fully clear. Perhaps he intended the volume to be a specimen book of various scripts to help in dating and locating other codices.¹ Or perhaps he did so to conform to the motto written on another folio at the beginning of the volume, "Colligite fragmenta ne pereant." But whatever Morelli's reasons for making the collection, the codex is remarkable not only for the scripts in which the fragments are written but also for the texts they contain.

According to the *elenco* of users attached to the codex, numerous scholars over the years have consulted the fragments for everything from ancient

* The fragment was found on 6 July 1989, during an examination of the Beneventan-script fragments in the codex for the *Monumenta Liturgica Beneventana*, a programme supported by a grant from the Social Sciences and Humanities Research Council of Canada. For their help at various stages in the preparation of this article I am grateful to James Grier, Miquel S. Gros i Pujol, Michel Huglo, Peter Jeffery, Susan Keefe, Thomas Kelly, Maria Teresa Ramos Rioja, and Barbara Shailor.

¹ Robert G. Babcock, "Two Unreported Uncial Fragments," *Scrittura e civiltà* 9 (1985): 299.

texts in Glagolitic script to texts in Greek.² Recently, several fragments in the miscellany that previously seem to have been neglected have attracted the attention of scholars in a variety of fields. First, two uncial fragments were discovered,³ one a *membrum disiectum* belonging with a Stuttgart fragment, and they were duly entered by Bernhard Bischoff and Virginia Brown in their addenda to E. A. Lowe's *Codices Latini Antiquiores* as written in Italy, one in the seventh century and one in the seventh or eighth century.⁴ Then a fragment of the major systematic canon law collection of the Merovingian church, the *Collectio Vetus Gallica*, was discovered.⁵ This was of special importance because the text of the Council of Autun of ca. 670, hitherto known only in the *Collectio Vetus Gallica*, is in a fuller form in the Venice fragment than in any of the other manuscripts of the collection.⁶ The Marciana codex further contains three parts of manuscripts, two bifolios and one a folio, written in the beautiful Beneventan script of south Italy.⁷ One of them is especially notable because it was written not in southern Italy itself but across the Adriatic in Dalmatia and contains liturgical texts and lections in forms hitherto unknown.⁸ Among the many other fragments is a badly mutilated one written in the Visigothic script of Spain, significant not only because manuscripts and fragments written in this script are rare, but also because the text shows the liturgical rite in Spain in transition from the Mozarabic or Old Spanish rite to the "Roman" or Romano-Gallican rite used especially in southern France.

The fragment in Visigothic script, originally a complete folio, has been ripped through the centre, and the pieces, the upper and lower halves of the original folio, now form two smaller folios joined together by a paper

² For the contents of the manuscript, see Pietro Zorzanello, *Catalogo dei codici latini della Biblioteca Nazionale Marciana di Venezia non compresi nel catalogo di G. Valentinelli*, vol. 3: Classe XIV (Trezzano, 1985), 364–83.

³ Babcock, "Two Unreported Uncial Fragments," 299, notes the actual discovery by Francis Newton. It is not clear whether Morelli recognized these fragments as having been written in the seventh century, although fol. 29r has "sacc. VI" written in the upper right-hand corner.

⁴ Bernhard Bischoff and Virginia Brown, "Addenda to *Codices Latini Antiquiores*," *Mediaeval Studies* 47 (1985): 348, 361–62.

⁵ See Roger E. Reynolds, "A Beneventan Monastic Excerptum from the *Collectio Vetus Gallica*," *Revue Bénédictine* 102 (1992): 303–4 n. 34.

⁶ Hubert Mordek and Roger E. Reynolds, "Bischof Leodegar und das Konzil von Autun," in *Aus Archiven und Bibliotheken: Festschrift für Raymund Kottje zum 65. Geburtstag*, ed. Hubert Mordek, *Freiburger Beiträge zur mittelalterlichen Geschichte* 3 (Frankfurt/M, Berne, New York, Paris, 1992), 71–92 + 1 pl.

⁷ Virginia Brown, "A Second New List of Beneventan Manuscripts (II)," *Mediaeval Studies* 50 (1988): 619–20.

⁸ In a forthcoming article a junior associate at the Pontifical Institute of Mediaeval Studies will deal with these texts in Item 44 of the manuscript.

hinge. They bear the folio numbers 37 and (37). Joined together they enclose or are used as a "wrapper" around two other parchment fragments. These two fragments, numbered as folios 38 and 39, are also joined together by a paper hinge and are written in two different humanistic scripts.

The Visigothic-script folios have been trimmed, folded, and mutilated so that not all of the text is visible (see plates). The horizontal dimensions of fol. 37 are 200 mm. and 205 mm., and the vertical are 122 mm. and 140 mm. The horizontal dimensions of fol. (37) are 188 mm. and 180 mm., and the vertical are 159 mm. and 145 mm. The parchment is of medium quality and thickness. At the top of fol. 37 prickmarks, separated by 7 mm. and punctured from hair to flesh side, are visible for the marginal ruling, which is 51 mm. from the vertical edge of the folio. No prickmarks are visible on fol. (37). Lines for text and music ruled in drypoint are 8 mm. apart; fol. 37 has 16 lines visible and fol. (37) has 19 visible. If the upper and lower pieces of the complete folio are joined, the written space from the bottom rule to the headline of minims of the top line of text is 238 mm. Rubrics, in an orangish-red written both over and throughout the text, measure 3 mm. for minims, 5 mm. for ascenders, and 6 mm. for descenders. On fol. 37v there is one large initial uncial *E* for the *Exultet* coloured in green and orangish-red; its dimensions are 21 × 22 mm.

The script of the text, apparently written by a single hand in the late eleventh century, is in brown ink. Minims are 2 mm., ascenders 4.5 mm., and descenders 5 mm. Characteristics of the script point to an origin in northern Spain either in Castile or farther east. The script is not that of León, Silos, or the western section of northern Spain. It bears some features common with manuscripts produced in the Rioja.⁹ Many of the letters, abbreviations, and words are similar to those in an undated and apparently as yet unattributed biblical manuscript, Madrid, Biblioteca Nacional 2, which Millares Carlo points out has Carolingian-script influence.¹⁰ In the Venice fragment the double *fs* descend to sharp points, the final *t* sweeps up, *que* consists of a *q* with an almost full suprascript *s*, the loop of *g* is round and extends out with a tail swinging left, and *et* and *omnibus* are similar to those in Madrid. The *r* in *Israel* does not descend as far as the Madrid *r*, but the whole word is similar in Venice and Madrid. In several cases Madrid and Venice are different; for example, in Venice the down stroke of the *x* in *ex* is not the heavier stroke of Madrid, and the final *a* of *tua* or *custodia*

⁹ I am grateful to Professor Barbara Shailor for her observations regarding the origins of the script.

¹⁰ Agustín Millares Carlo, *Tratado de Paleografía Española*, 3d ed., vol. 1 (Madrid, 1983), 329.

circles around to meet the backstroke. In the Venice fragment there are occasional diacritical marks over words such as “imperat” or “réserat.” Abbreviations for Nomina Sacra are used for *Israel*, *spiritus*, *deus*, *dominus*, *domine*, and *Jesus Christus*. Plural forms are added in a small hand in brown ink above several words.

As for musical supports, there are no extra rules, clefs, or directs. The sizes of the letters for the musical text are 1.25 mm. for minims, 3 mm. for ascenders, and 4 mm. for descenders. Between some words of the musical text there are short connects in the orangish-red of the rubrics. The musical notation is Aquitanian.

Visigothic script, much like Beneventan script, was preeminently a liturgical one. Although there are far fewer Visigothic-script codices than Beneventan (there are less than 400 extant Visigothic items, as opposed to over 1600 in Beneventan),¹¹ they share with the Beneventan the fact that they are largely liturgical. But while Beneventan-script codices have a variety of liturgical rites and uses in them—Old Beneventan, Roman, Benedictine, and even Franciscan¹²—Visigothic-script codices generally have only Old Spanish-rite texts, with the exception of a few that have Roman or Romano-Gallican texts.¹³ Our Venetian fragment can now be added to this latter category of extraordinary codices.

The liturgical text of our fragment is a portion of a baptismal rite; first, several texts for the making of a catechumen, followed by the *Exultet* sung at the paschal vigil. In the Old Spanish rite the ceremony for the making of catechumens had elements found elsewhere in western rites: the *consignatio*, exorcisms, *effetatio*, and *traditio symboli*. These were ceremonies that would

¹¹ See the repertory of items in Visigothic script in Millares Carlo, *Tratado*, 323–42; and Manuel C. Díaz y Díaz, *Códices visigóticos en la monarquía leonesa*, Colección Fuentes y Estudios de Historia Leonesa 31 (León, 1983), 299–480. The following may be added to this repertory: Cava, Archivio della Badia della Santissima Trinità 14; Lyons, Bibliothèque de la Ville 452 and 620; Paris, Bibliothèque Nationale lat. 2832 and 11709; and three newly reported fragments in Braga noted in Miquel S. Gros i Pujol, “Las tradiciones litúrgicas medievales en el noroeste de la península,” in *IX Centenário da Dedicção da Sé de Braga. Congresso Internacional. Actas. Vol. III: Teologia do Templo e Liturgia Bracarense* (Braga, 1990), 111 n. 20, citing Avelino de Jesus da Costa, *A Biblioteca e o Tesouro da Sé de Braga nos séculos xv–xviii* (Braga, 1984), particularly 279–80, 302–15, esp. est. 25, 31, 32.

¹² On rare Franciscan rubrics in Beneventan script, see Virginia Brown, “Boccaccio in Naples: The Beneventan Liturgical Palimpsest of the Laurentian Autographs (mss. 29.8 and 33.31),” *Italia medioevale e umanistica* 34 (1991): 41–126 and plates 2–7.

¹³ The following items in the repertory of Millares Carlo are Roman rite: 17, 18, 19, 22, 26, 27, 28, 31, 32, 34, 35, 38, 88, 106, 108, 116, 126, 202, 230, 230a, 276, 289, 298, and 318. On the Roman-rite manuscripts, see Jorge M. Pinell, “Los textos de la antigua liturgia hispánica: Fuentes para su estudio,” *Estudios sobre la liturgia mozárabe* (Toledo, 1965), 154–57, esp. nos. 224–36, 242–45, 247–53, 255.

be used in the process of baptisms done at anytime of the year, and these were followed by the baptism itself, including chrismation, imposition of hands in the confirmation, and communion.¹⁴ In the Old Spanish rite, baptisms might also be performed during the paschal vigil, and here again, there are elements like those of the Roman or Romano-Gallican rite. Lights and a paschal candle were blessed, once in a sacristy and then in the congregation. The latter blessing consisted of long poetic songs analogous to but not very like the *Exultet* of the Beneventan, Gallican, and finally the Roman paschal services.¹⁵ As in the Roman rite, there followed in the Old Spanish paschal vigil a series of lessons and prayers, and then the baptismal ceremonies themselves, after which there was a eucharistic celebration.¹⁶

Despite the similarities of the Old Spanish and the Roman or Romano-Gallican baptismal ceremonies, there were distinctive features in the former that at times were frowned upon both inside and outside Spain, such as an omission of placing of salt on the tongue of the catechumen and a single rather than triple baptismal immersion.¹⁷ Moreover, the formulae and prayers of the ceremonies, although resembling the Roman rite, were different in the Old Spanish liturgy.

The distinctive features of the Old Spanish liturgy, including baptism, led to a series of attempts to replace it with Roman practices. These attempts began as early as Carolingian times when an endeavour was made to replace the Old Spanish rite with its prayers considered—incorrectly—to be tainted with adoptionism.¹⁸ In his attempt to introduce uniformity of liturgical practice in his realm, Charlemagne introduced a “pure” Roman sacramentary

¹⁴ See, e.g., T. C. Akeley, *Christian Initiation in Spain c. 300–1100* (London, 1967), 123–58.

¹⁵ On the various texts of the *Exultet*, see Jordi M. Pinell, “La benedicció del ciri pasqual i els seus textos,” in *Liturgica* 2, *Scripta et Documenta* 10 (Montserrat, 1958), 1–119. On the *Exultet* in general, see the unedited thesis of Christopher Willcock, *La bénédiction du cierge pascal: Étude littéraire et théologique de ce rite* (Université de Paris-Sorbonne, Thèse de doctorat de III^e Cycle en Sciences des religions, 1987); and more recently, Eric Palazzo, “Iconographie et liturgie: La mosaïque du baptistère de Kélibia (Tunisie),” *Archiv für Liturgiewissenschaft* 34 (1992): 102–20.

¹⁶ Akeley, *Christian Initiation*, 159–79.

¹⁷ See Susan Ann Keefe, *Water and the Word: Baptism and the Education of the Clergy in the Carolingian Empire: A Study of Texts and Manuscripts* (forthcoming).

¹⁸ Miquel S. Gros, “La liturgie Narbonnaise témoin d’un changement rapide des rites liturgiques,” in *Liturgie de l’église particulière et liturgie de l’église universelle (Conférences Saint-Serge 1975)* (Rome, 1976), 151; and Michel Gros, “Les Wisigoths et les liturgies occidentales,” in *L’Europe héritière de l’Espagne wisigothique (Colloque international du C.N.R.S. tenu à la Fondation Singer-Polignac [Paris, 14–16 Mai 1990])*, ed. J. Fontaine and C. Pelli-strandi, Collection de la Casa de Velázquez 35 (Madrid, 1992), 134.

in the form of the *Gregorian Sacramentary*. And it was this sacramentary which worked its way into the old Visigothic territories that Charlemagne and his successors controlled, especially the Narbonne region of southern France and the Spanish March in the Pyrenees and Catalonia.

Ironically, however, this "pure" Gregorian sacramentary introduced into the old Visigothic territories was itself a sacramentary supplemented by the Visigoth Witiza or Benedict of Aniane with a plethora of Old Spanish- and Gallican-rite texts. And it is in the supplement to this form of the *Gregorian Sacramentary* that one finds most of the texts in our Venetian Visigothic fragment. They are also texts found in many "Gallicanized" Roman Gelasian sacramentaries, called the *Gelasian Sacramentary of the Eighth Century* and represented in manuscripts found in southern France, the *Gellone Sacramentary* and the *Sacramentary of Angoulême*.¹⁹ In short, the Roman rite of the supplemented *Gregorian Sacramentary*, sometimes called the *Gregorian of Aniane*, had become a Romano-Gallican or even a Romano-Gallican-Old Spanish rite.

With pressures by the Carolingian rulers to accept the Roman rite, the churches of Septimania, particularly in the Narbonne region and Catalonia, began to adopt elements of the rite as early as the ninth century. According to José Janini, this seems to have been done rather voluntarily,²⁰ but in light of Carolingian attempts to suppress Spanish adoptionism—reflected in the wording of Old Spanish-rite prayers—it is more likely that the acceptance of the Roman rite was the result of subtle pressures.²¹ In any event, from the ninth century on, the adoption of the Roman rite took at least two forms, and these are reflected in manuscripts of Septimania and Catalonia. First, there could be outright acceptance of books of the new rite. Second, there was conscious mixing of the indigenous Old Spanish and Catalan rites with the Roman, seen, for example, in the ceremonies for clerical ordination in the codex Vic, Biblioteca Capitular 104.²²

Beyond the Spanish March, acceptance of the Roman rite was far slower. It is often said that it was only in the second half of the eleventh century that this change took place, but the existence of a few earlier manuscripts

¹⁹ *Liber Sacramentorum Gellonensis. Textus*, ed. A. Dumas, CCL 159 (Turnhout, 1981); *Liber Sacramentorum Engolismensis: Manuscrit B.N. Lat. 816. Le Sacramentaire Gélisien d'Angoulême*, ed. Patrick Saint-Roch, CCL 159 C (Turnhout, 1987).

²⁰ J. Janini, "Liturgia Romana," in *Diccionario de Historia Eclesiástica de España*, vol. 2 (Madrid, 1972), 1321.

²¹ Gros, "La liturgie Narbonnaise," 151.

²² Roger E. Reynolds, "The Ordination Rite in Medieval Spain: Hispanic, Roman, and Hybrid," in *Santiago, Saint-Denis, and Saint Peter: The Reception of the Roman Liturgy in León-Castile in 1080*, ed. Bernard F. Reilly (New York, 1985), 140–41.

with the Roman rite written in Visigothic script suggests that changes of rite or at least an acceptance of Roman-rite books and texts may have come somewhat earlier.²³ It is, of course, possible that scribes writing Visigothic script worked—as they indeed did—outside the confines of the Iberian peninsula,²⁴ but the presence in Spanish depositories of Visigothic-script codices of the tenth century containing Roman-rite texts suggests that the change of rites or acceptance of Roman-rite books was taking place gradually in Spain itself before the second half of the eleventh century.

In any event, the major transition in the liturgical rite from Old Spanish to Roman came about in the second half of the eleventh century particularly in Aragon and Castile with much bitterness, contention, and even violence. In Aragon the Benedictines brought Roman liturgy into such great monasteries as San Juan de la Peña; and the king, Sancho Ramirez, saw to it that the Roman rite was introduced into cathedral liturgy.²⁵ Resistance to the introduction of the Roman rite into Castile and León was far more substantial. Under the reforms of Pope Gregory VII, there was a concerted effort—aided especially by the Cluniacs of southern France—to impose the Roman rite in those regions. The forcible imposition of the rite is reflected in the well-known decision of the Synod of Burgos in 1080 to make the Roman rite official in the lands under King Alfonso VI of Castile.²⁶ A decade later at the Synod of León of 1090 the writing of liturgical books in the *littera Toletana* was forbidden.²⁷

José Janini, in his magisterial article on the penetration of the Roman rite into Spain in the late eleventh and first half of the twelfth century, has traced the process especially as it is reflected in extant liturgical codices.²⁸

²³ Among these manuscripts are fragments of a breviary, Cambridge, University Library Add. 5905 (s. x–xi), and Roman homiliaries, Córdoba, Biblioteca Capítular 1 (72) (s. x, San Pedro de Berlangas), Toledo, Biblioteca del Cabildo 33.1 (s. ix–x), Coimbra, Arq. Catedral 2 (s. ix ex.), and Lleida, Arxiu de la Catedral 16 (ca. 1000), which, although written in a Caroline script, displays features of Visigothic script (see Josep Romá Barriga Planas, *El Sacramentari, Ritual i Pontifical de Roda: Cod. 16 de l'arxiu de la Catedral de Lleida, c. 1000* [Barcelona, 1975] 46, 49).

²⁴ See Roger E. Reynolds, "The 'Isidorian' *Epistula ad Leudefredum*: An Early Medieval Epitome of the Clerical Duties," *Mediaeval Studies* 41 (1979): 277, and literature therein.

²⁵ Janini, "Liturgia Romana," 1321.

²⁶ See Joseph F. O'Callaghan, "The Integration of Christian Spain into Europe: The Role of Alfonso VI of León-Castile," in *Santiago, St.-Denis, and St. Peter*, 101–20.

²⁷ Bernhard Bischoff, *Latin Palaeography: Antiquity and the Middle Ages*, trans. Dáibhí Ó Cróinín and David Ganz (Cambridge, 1990), 100, 126; and Antonio García y García, "Reforma gregoriana e idea de la 'Militia sancti Petri' en los reinos ibéricos," in *La Riforma gregoriana e l'Europa (Congresso Internazionale, Salerno, 20–25 maggio 1985)*, Studi Gregoriani 13 (Rome, 1989), 259–60, who deals with the issue as to whether the prohibition extended only to liturgical books or to all books.

²⁸ Janini, "Liturgia Romana," 1321–23.

In Aragon the Romanization of the liturgy went through two phases. First, the Roman rite, with a few concessions to local sensibilities, was simply copied in Visigothic script; the well-known *Sacramentary of San Millan*, now Madrid, Real Academia de la Historia Aemil. 52, reflects this first phase. In the second phase, the Roman rite was copied in manuscripts not written in Visigothic script, and the texts in these are often closely related to Pyrenean and Catalan texts from the ninth century and beyond.

In Castile, where our Venetian Visigothic fragment appears to have been written, the degree of acceptance of the Roman rite is also reflected in extant manuscripts. Because of the fierce opposition to the Roman rite in Castile, it was at first necessary to have monks from southern France copy the rite in their own Carolingian script; an example of this is found in the *Sacramentary of Sahagún* (Madrid, Biblioteca Nacional Vitr. 20.8), a codex possibly taken by the Cluniac Bernard from Sahagún to Toledo when he was made bishop there.²⁹ On the other hand, there are several Castilian manuscripts, like our fragment, in which the Roman rite was simply copied in the beautiful and traditional Visigothic script of the region. Despite the Leonese condemnation in 1090 of the *littera Toletana* for liturgical manuscripts, the use of the script continued into the middle of the twelfth century. Beyond that, however, the use of the script is generally thought to have been discontinued, except in Toledo, where the Old Spanish liturgy continued in selected parishes.³⁰ In northern Spain the old Visigothic-script liturgical codices, now difficult to read in liturgical settings, were destroyed or even palimpsested so that precious parchment might be used to copy the newly introduced Roman rite; witness the *breviarium-missale* of Burgos, Archivo Capitular 18.³¹

It is in this context of the imposition of the Roman rite into northern Spain that our Venetian Visigothic fragment finds its place. The texts in our fragment clearly are Roman or Romano-Gallican, not Old Spanish. They can be found in a variety of sacramentaries going back to the eighth century from north of the Pyrenees. But more important, the texts of our fragment are also found in sacramentaries, missals, and pontificals written in Catalonia from the tenth to the twelfth centuries. In this respect the texts in the fragment are not unlike those in the second phase of the Aragonese changes,

²⁹ See Reynolds, "Ordination Rite," 144. On the relationship between Sahagún and Cluny, see Debra Hassig, "He will make alive your mortal Bodies: Cluniac Spirituality and the Tomb of Alfonso Ansures," *Gesta* 30 (1991): 144-45.

³⁰ Ramón González, "The Persistence of the Mozarabic Liturgy in Toledo after A.D. 1080," in *Santiago, St.-Denis, and St. Peter*, 157-85, esp. 179 nn. 89-90.

³¹ Millares Carlo, *Tratado*, 324, no. 28.

in which texts in the Aragonese manuscripts were clearly related to Catalan and Pyrenean texts.³² Among the Catalan texts related to our fragment in Visigothic script are the *Pontifical of Roda*, the *Missale parvum of Vic*, the *Sacramentary of Ripoll*, the *Sacramentary of Osca*, the *Sacramentary-Antiphonal-Ritual of San Romá dels Bons*, and the *Pontifical of Vic*.³³

Since there is only one mutilated folio containing our texts, it is not clear from what type of book the fragment came. It was probably not a plenary missal because a gospel reading in a full missal is at times inserted between our Texts 4 and 5, as is the case in the *Missale parvum of Vic*.³⁴ It is possible that our fragment was originally in a pontifical; texts similar to ours appear in such pontificals as the *Pontificale Romano-Germanicum* of the tenth century,³⁵ and in the pontificals of Roda and Vic. Nonetheless, the closest parallels in sequence, context, and rubrics appear in sacramentaries, and hence, it is probable that our fragment was detached from a sacramentary.

Since the ancient *Gelasian Sacramentary*, the *Gelasian Sacramentary of the Eighth Century*, and the supplemented *Gregorian Sacramentary* contain some of our texts, it is possible that our texts were drawn from a manuscript of one of these. But the closest parallels are in the Catalan manuscripts noted above, and thus it is with these that one should compare our texts, which are printed below.

The arrangement of our texts is interesting for several reasons. First, between Texts 5 and 7 there is the tradition of the Creed and Pater noster. The intrusion of these texts is not found in any of our Catalan texts. Moreover, the texts for the making of catechumens is followed immediately by the *Exultet* sung at the paschal vigil, implying that the texts of the making of catechumens were for the Lenten season. In other sources, including the Catalan, the *Exultet* text usually is found among texts presented earlier for the paschal vigil.³⁶ But occasionally it does follow the texts for the making of the catechumens. For example, in the *Missale parvum of Vic* a reference to the *Exultet* is made after the catechumen texts, but it refers the user back to the full text of the *Exultet* given before the catechumen texts.³⁷ In the *Sacramentary of Osca*, however, it is clear that the *Exultet* comes

³² Janini, "Liturgia Romana," 1321–22.

³³ For the dates, origins, and editions (if existing), see the list of abbreviations below preceding the edition of our texts.

³⁴ MP 131.419.

³⁵ PRG 107.17–24.

³⁶ PRod 42.2, Rp 343.

³⁷ MP 134.479, MP 37.159.

after the catechumen texts.³⁸ Nonetheless, in all of these analogous sources there is more to the catechetical texts than appears in ours; that is, the *Exultet* in our fragment follows our catechumen texts, and one would have expected a more complete sequence of texts for the making of catechumens for either Lenten or non-Lenten use. In many manuscripts, going back to the eighth century, the *Exultet* is a “wandering” text not necessarily related to its near neighbours.³⁹ Hence, it is possible that the unexpected appearance of the *Exultet* immediately after our catechumen texts is another instance of an *Exultet* “dropped into” a sequence of other texts, although here clearly added to related texts.

As for the specific texts in our fragment, the first is an adjuration of Satan. Since our fragment has no rubric over this adjuration, it is not certain over whom the text is said. But it is almost certain that it was to be said over male catechumens (called *infantes*) because in other analogous texts this is the case; further, our Text 2 is said over a female catechumen, implying that Text 1 was said over a male.

Text 2 is a prayer said over a female catechumen followed by a malediction of the devil. In almost all other analogous sources this is the case, but strangely in the *Missale parvum of Vic* the prayer is one said over a male catechumen because it follows our Text 1 without specifying that it is said *super feminam*.⁴⁰

Text 3, the exorcism of an unclean spirit and malediction of the devil, is found in the *Pontificale Romano-Germanicum*, which specifically directs that it be said after a priest signs with a cross the forehead of the male catechumen and places his hand on the catechumen's head. Presumably this was also the case in our text and analogous Catalan sources. Probably this would also have been the case with our Text 4, an exorcism and malediction over a female catechumen, although in the *Missale parvum of Vic* it is probably an alternative prayer for males since females are not specified in the rubric.

In the *Sacramentary of Ripoll* and the *Missale parvum of Vic* there follows at this point a gospel reading.⁴¹ Elsewhere our Text 5 follows immediately. In the *Pontificale Romano-Germanicum* Text 5, a prayer for enlightenment

³⁸ See Alejandro Olivar, “El sacramentario aragonés ms. 815 de la Biblioteca de Montserrat,” *Hispania Sacra* 17 (1964): 74; Olivar also notes that the material for the catechumens in Montserrat, Biblioteca del Monastir 72, pp. 142–49, precedes the *Benedictio cerei*, on pp. 151–54 of the manuscript (see Alexandre M. Olivar, “Serie de benedictiones lectionum en cod. Montserratensis 72,” *Ephemerides liturgicae* 62 [1948]: 232).

³⁹ E.g., Hsp 1021 and SV 1.

⁴⁰ MP 131.416.

⁴¹ Rp 377, MP 131.419.

and purity, is said first for males and then for females after the priest signs with a cross the foreheads of the catechumens and places his hand on their heads. In the Catalan analogues, however, the prayer is given only once, as it is in ours, and is specified for males and females.

At this point our text in the Visigothic fragment differs from all other analogues. The priest delivers the Creed and Pater noster to the catechumen. In the *Pontificale Romano-Germanicum* there is no delivery of the Pater noster, but much earlier in the ceremonies for the making of a catechumen the Creed was given.⁴² In any event, the tradition of the Pater noster is a characteristic of the Roman rite.⁴³ In the Old Spanish rite there is no question as to the tradition of the Creed, but there is a question as to whether or not there was a tradition of the Pater noster.⁴⁴

Where the tradition of the Creed and Pater noster stands in our Visigothic fragment, in both the *Sacramentary of Ripoll* and the *Missale Parvum of Vic* there is a rubric indicating that the following prayers and ceremonies are those taking place on the Saturday evening of the paschal vigil, and it is here that our Text 7, *Nec te latet Satanas*, falls. In the other Catalan analogues this prayer simply follows the prayer above said over males and females.

Following Text 7 there is the *effetatio* ceremony, and here our Text 8 is unique among the Catalan analogues, where the words of the *Effeta* are simply said as a group. In our text and the *Pontificale Romano-Germanicum*, however, the phrases are divided so that the first is said while touching the catechumen's right ear with spittle, the second while touching the nose, and the third while touching the left ear.

Immediately following the *effetatio* ceremony is the *Exultet*, Text 9, under a rubric specifying that it is to be sung on Holy Saturday. The absence of the *Exultet* in the Old Spanish rite and its somewhat unusual placement in our fragment have already been remarked upon, but several more comments must be made. First, despite the fact that the *Exultet* was lacking in the Old Spanish rite, it appears in many of our Catalan analogues.⁴⁵ Moreover, it also appears in several other nearly contemporary manuscripts from Castile and other areas where Visigothic script was written. Further, in these manuscripts the notation is not the Mozarabic notation one might expect in these areas—although it must be remembered that our text of the *Exultet* was not used in the Old Spanish rite where one finds Mozarabic

⁴² PRG 107.3.

⁴³ José Pijuan, *La liturgia bautismal en la España romano-visigoda* (Toledo, 1981), 57.

⁴⁴ *Ibid.*, 51–52.

⁴⁵ PRod 42.2, SV 1, MP 134.479, Rp 343, Mont, Mt.

notation most often—but in the Aquitanian notation of southern France. Among these manuscripts are the well-known plenary Roman-rite *Missal of San Millan de la Cogolla* of the last third of the eleventh century, Madrid, Real Academia de la Historia Aemil. 18, itself written in Visigothic script.⁴⁶ Then, it appears in the twelfth-century *Missal of Silos*, Salamanca, Biblioteca Universitaria 2637.⁴⁷ In our fragment there is nothing especially remarkable about the text of the *Exultet*, but the melody, which resembles Huglo's "type 2" melody found in manuscripts from the west of France,⁴⁸ appears to be different from its Castilian analogues where the Aquitanian notation is used for the *Exultet*.⁴⁹

"Colligite fragmenta ne pereant" is the well-known saw Morelli added as a preface to the various fragments in the Venetian manuscript described in this paper. Morelli probably recognized that his fragment in a Visigothic hand, mutilated and scrappy as it was, was nonetheless significant for the script in which it was written; there are, after all, far fewer extant codices in Visigothic script than those of other early medieval "national" scripts such as Beneventan. But probably unknown to Morelli were the unusual liturgical features in the text: a Romano-Gallican baptismal and paschal text written not in Carolingian script but in the ancient script generally used for the Visigothic liturgy; the text of the paschal *Exultet*, unknown in the ancient Visigothic and Mozarabic liturgies, here musically noted in Aquitanian style and with a melody hitherto unknown; and parts of baptismal ceremonies unique among medieval baptismal liturgies. In short, the Venetian Morelli in gathering this fragment into his collection preserved one of the most unusual and precious pieces of evidence documenting the transition in the late eleventh century from the Old Spanish/Mozarabic to the Romano-Gallican rite, mandated by Rome and brought to Spain by the southern French clerics and monks whose own liturgical practices would all but submerge the ancient rites of the Iberian peninsula.

In the presentation below of the individual texts of our fragment, numbers have been assigned to each in square brackets; abbreviations have been

⁴⁶ Fol. 123v.

⁴⁷ Fols. 95v–96r; on this codex, see Reynolds, "Ordination Rite," 144. An unnoted version of the *Exultet* is found in one of the recently reported fragments from Braga (Avelino de Jesus da Costa, *A Biblioteca*, esp. 315, est. 32). This fragment, although written in a Carolingian hand, has Visigothic-script symptoms.

⁴⁸ Michel Huglo, "Exultet," in *The New Grove Dictionary of Music and Musicians* (London, 1980), 6:336.

⁴⁹ For this information I am grateful to Maria Teresa Ramos Rioja, who has compared the notation with that of the *Exultet* in the *Missal of San Millan* and the *Missal of Silos*.

expanded; missing or illegible letters, words, and phrases are inserted between pointed brackets; and italics are used for the rubrical directions and rubricized letters, words, or phrases. The interlinear plural forms for words in the manuscript have not been added. The following abbreviations are for analogous (\sim = similar) texts:

- Va *Gelasian Sacramentary*, Vatican City, Biblioteca Apostolica Vaticana Reg. lat. 316 (s. viii med., Chelles); ed. Leo Cunibert Mohlberg, Leo Eizenhöfer, Petrus Siffrin, *Liber sacramentorum romanae aeclesiae ordinis anni circuli* (Cod. Vat. Reg. lat. 316/ Paris Bibl. Nat. 7193, 41/56) (*Sacramentarium Gelasianum*), *Rerum ecclesiasticarum documenta*, ser. maior, fontes 4 (Rome, 1960).
- Ge *Gellone Sacramentary*, Paris, Bibliothèque Nationale lat. 12048 (s. viii ex., Meaux; at Gellone by s. ix); ed. A. Dumas, *Liber Sacramentorum Gellonensis. Textus*, CCL 159 (Turnhout, 1981).
- En *Sacramentary of Angoulême*, Paris, Bibliothèque Nationale lat. 816 (s. viii/ix, prob. south of Loire); ed. Patrick Saint-Roch, *Liber Sacramentorum Engolismensis: Manuscrit B.N. Lat. 816. Le Sacramentaire Gélasien d'Angoulême*, CCL 159 C (Turnhout, 1987).
- Hsp *Supplemented Sacramentarium Hadrianum*; ed. Jean Deshusses, *Le Sacramentaire Grégorien: Ses principales formes d'après les plus anciens manuscrits*, vol. 1, *Spicilegium Friburgense* 16 (Fribourg/S, 1971).
- PRG *Pontificale Romano-Germanicum*; ed. Cyrille Vogel and Reinhard Elze, *Le Pontifical romano-germanique du dixième siècle: Le texte*, 2 vols., *Studi e testi* 226–27 (Vatican City, 1963).
- PRod *Pontifical of Roda*, Lleida, Arxiu de la Catedral 16 (ca. 1000, Catalonia, vicin. Urgel-Roda?); ed. Josep Romá Barriga Planas, *El Sacramentari, Ritual i Pontifical de Roda: Cod. 16 de l'arxiu de la Catedral de Lleida, c. 1000* (Barcelona, 1975).
- MP *Missale parvum of Vic*, Vic, Biblioteca Capitular 71 [CXIX] (s. xi^{4/4}, Ripoll); ed. Miquel S. Gros, “El ‘Missale parvum’ de Vic,” *Hispania Sacra* 21 (1968): 313–77.
- Rp *Sacramentary of Ripoll*, Vic, Biblioteca Capitular 67 (s. xi, Ripoll); ed. Alejandro Olivar, *Sacramentarium Rivipullense*, *Monumenta Hispaniae Sacra*, ser. lit. 7 (Madrid-Barcelona, 1964).
- SV *Sacramentary of Vic*, Vic, Biblioteca Capitular 66 [XLVIII] (1038, Vic); ed. Alejandro Olivar, *El Sacramentario de Vich. Estudio y Edición*, *Monumenta Hispaniae Sacra*, ser. lit. 4 (Barcelona, 1953).
- Mont *Sacramentary-Antiphony-Ritual of San Romá dels Bons*, Montserrat, Biblioteca del Monastir 72 (s. xii, San Romá dels Bons); see Alexandre M. Olivar, “Serie de *benedictiones lectionum* en cod. *Montserratensis* 72,” *Ephemerides liturgicae* 62 (1948): 230–34; analogues as reported in PRod.
- Vc *Pontifical of Vic*, Vic, Biblioteca Capitular 104 (CV) (s. xi/xii, Vic); see Miquel S. Gros, “Las ordines sagradas del pontifical ms. 104 (CV) de la

Bib. Cap. de Vic," *Hispania Sacra* 17 (1964): 99–133; analogues as reported in PRod.

- Mt *Sacramentary of Osca*, Montserrat, Biblioteca del Monastir 815 (s. xi–xii, perhaps San Victoria d'Asan); see Alejandro Olivar, "El sacramentario aragonés ms. 815 de la Biblioteca de Montserrat," *Hispania Sacra* 17 (1964): 61–97; and "Los textos raros o hasta ahora inéditos del sacramentario ms. 815 de Montserrat," *Hispania Sacra* 18 (1965): 365–83; analogues as reported in PRod.

VENICE, BIBLIOTECA NAZIONALE MARCIANA
Marc. lat. XIV.232 (4257), fol. 37–(37)

[fol. 37r]

[1] <saecu>lo tuo et beate immortalitatis victuro. Da igitur honorem <advenien>ti spiritu sancto, qui ex summa caeli arce descendens, perturbatis fraq<dibus tuis,> divino fonte purgatum pectus, id est sanctificatum deo templum et <habitum> proficiat. Et ab omnibus penitus noxiis preteritorum criminum <liberatus> servus dei, gratias perhenni deo referat semper, et benedicat nomen <eius sanctum, in saecul>a saeculorum. AMEN.

Va 294, Ge 405, En 694, Hsp 1075, PRG 107.17, PRod 43.14, MP 131.415, Rp 373, Mont, Vc, Mt

Super feminam

[2] <Deus abraham, deu>s isaac, deus iacob, deus qui tribus israhel de egiptia servitute <liberatas, per> moysen famulum tuum de custodia mandatorum tuorum in <deserto m>onuisti, et susannam de falso crimine liberasti, te supplices <deprecam>ur domine, ut liberes et hanc famulam tuam, il., et perducere <eam digne>ris ad gratiam baptismi tui. Ergo maledicte.

Va 295, Ge 406, En 695, Hsp 1076, PRod 43.15, MP 131.416, Rp 374, Mont, Vc, Mt

Super masculum

[3] <Exorcizo> te inmundi spiritus in nomine patris et filii et spiritus sancti, ut <exeas et rec>edas ab hoc famulo dei, il. Ipse enim tibi imperat male<dicte damna>te, qui pedibus super mare ambulavit, et petro mergenti <dexteram p>orrexit. Ergo maledicte diabole.

Va 296, Ge 407, En 696, Hsp 1077, PRG 107.19, PRod 43.16, MP 131.417, Rp 375, Mont, Vc, Mt

Super fe<minam>

[4] <Exorcizo> te inmunde spiritus [fol. (37)v] per patrem et filium et spiritum sanctum, ut exeas et <recedas ab hac f>amula dei, ill. Ipse enim tibi imperat maledicte <damnate, q>ui ceco nato oculos aperuit, et quadri-duanum lazarum <de mon>umento suscitavit. *Ergo maledicte.*

Va 297, Ge 408, En 697, Hsp 1078, PRG 107.20, PRod 43.17, MP 131.418, Rp 376, Mont, Mt

Super masculum vel feminam

[5] <Aeternam> ac iustissimam pietatem tuam deprecor domine <sancte pa>ter omnipotens aeternae deus luminis et veritatis, super hunc famulum tuum, ill., ut <digne>ris eum illuminare lumine intelligentiae tuae. Munda eum <et sanctifica. D>a ei scientiam veram, ut dignus efficiatur accedere ad <gratiam bap>tismi tui. Teneat firmam spem, consilium rectum, doctrinam <sanctam, ut a>ptus sit ad percipiendam gratiam baptismi tui. Per eumdem.

Va 298, Ge 410, En 700, Hsp 1079, PRG 107.21, PRod 43.18, MP 131.420, Rp 378, Mont, Mt

<Dic>at sacerdos super caput infantis symbolum fidei et oratio dominica.

[6] <Credo in unum> deum. *Pater noster qui es.*

[7] <Nec te D>atet sathanas imi<n>ere tibi penas, <inminere> tibi tormenta, <in>minere tibi diem iudicii, diem supplicii <sempiterni, di>em qui venturus est velut clibanus ardens, in quo tibi <atque uni>versis angelis tuis aeternus veniet interitus. Proinde dam<nate atque> dammande, da honorem deo vivo et vero, da honorem <iesu christo fi>lio eius et spiritui sancto paraclito, in cuius nomine atque virtute [fol. 37v] praecip<io> tibi quicumque es spiritus inmunde, <ut exeas> e<t reced>as ab hoc <famulo> dei, <qu>em hodie deus et dominus noster iesus christus ad suam sanctam gratia<m et ben>edictio<nem> fontemque baptismat<is d>ono voca<r>e <dignat>us est, ut f<iat> eius t<emplum per> aquam regenerationis <in remis>sionem <omnium> pe<ccatorum.> In nomine eiusdem domini nostri iesu christi, qui venturus est iudic<are. . . >

~ Va 419, ~ Ge 668, ~ En 725, ~ Hsp 1080, ~ PRG 107.23, ~ PRod 43.19, ~ MP 131.421, ~ Rp 379, Vc, Mt

Tunc accipiat sacerdos sputo et dicat ad au<rem dexteram>.

[8] *Effeta quod est adaperire. R. Effeta.*

Ad nares <In odorem> suavitatis. *R. E*<ffe>ta.

Ad aurem <sinistram> Tu <autem> effugare <dia>bole appropinqua<bit enim> iudic<ium> dei.

PRG 107.24

SABBATO SANCTO BENEDICTIO CEREI PASCHALI

[9] *Exultet* iam angel<ica turba ce>lor<um, exul>tent div<ina mys>teria, <et pro ta>n<ti reg>is <vict>oria tuba intonet salutaris. *Gaudeat* se tellus tant<is inradiata> [fol. (37)r] fulgoribus et ae<terni reg>[fol. 37v]is splendore illustrata, tot[fol. (37)r]<ius orbis se sentiat amisi>sse cal<iginem>. Letetur et mater ecclesia <tanti luminis adornat>a fulgoribus <et magnis> populorum vocibus hec aula resultet. Qua<prop>ter <adst>an<tes vos fratr>es carissimi, ad tam <m>iram sancti <huius luminis> claritatem, una mecum quaeso dei omnipotentis mise<ricordiam invoke, ut qui m>e non <meis> m<eriti>s intra levitarum numerum <dignatus est adgregare,> luminis <sui> g<ratia infundente cerei> huius l<audem implere perficiat. Per dominum nostrum iesum christum filium suum cum quo vivit et regnat in unitate spiritus sancti, per omnia saecula saeculorum. *R. Amen.> Dominus vobiscum. Et cum* <spiritu tuo. Sursum cor>da. *R. H*<abemus ad dominum.> *G*<ratia>s ag<amus domino deo nostro. *R.> Dignum et iustum.*

Hsp 1021, PRG 99.347, PRod 42.2, [SV 1, without this introductory text of the *Exultet*], MP 134.479, Rp 343, Mont, Mt

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GERARCHIE GRAFICHE E METODI DI CORREZIONE
IN DUE ANTICHI CODICI GIOACHIMITI
(LAUR. CONV. SOPP. 358, PADOVA ANT. 322)

Fabio Troncarelli

La scoperta dell'autografo di Gioacchino da Fiore¹ getta una nuova luce sulla più antica produzione manoscritta gioachimita: confrontando infatti l'alto livello grafico ed estetico della mano di Gioacchino con quello, spesso altrettanto alto, dei primi copisti delle sue opere si possono ricavare interessanti osservazioni. La prima, la più evidente, è che l'uso di una diversa scrittura per diverse parti del testo, così caratteristico in codici come l'Oxford, Corpus Christi College 255 A (che contiene il *Liber figurarum*) e negli altri prodotti dello *scriptorium* di Fiore (Roma, Biblioteca Corsiniana 797; Città del Vaticano, Biblioteca Apostolica Vaticana Chigi A.VIII.231), risale, senza dubbio, a precetti o consuetudini di Gioacchino stesso. Il grande teologo mostra un'educazione grafica di base consona alla sua origine o ai suoi studi, dal momento che scrive abitualmente in una disinvolta ed elegante minuscola cancelleresca, analoga alle migliori espressioni della cancelleria normanna della quale aveva fatto parte in gioventù.² A tale scrittura si sovrappone in certi casi una gotica libraria curata e regolare, col corpo delle lettere piuttosto sviluppato, analoga a quella di certi scribi attivi alla Sambucina tra XII e XIII secolo e, più in generale, di gusto affine a quello tipico dei manoscritti cistercensi italiani.³ Anche questo aspetto è comprensibile facendo riferimento all'esperienza culturale di Gioacchino, la cui vocazione spirituale matura all'ombra delle grandi fondazioni cistercensi. Le due forme grafiche hanno diversa funzione, ché alla cancelleresca è riservato il compito di evidenziare nei margini la suddivisione del testo e di scandirlo con *incipit* ed *explicit*, mentre alla gotica è assegnata la funzione

¹ F. Troncarelli, "Un codice con note autografe di Gioacchino da Fiore (Vat. Barb. Lat. 627)," *Scriptorium* 43 (1989): 3-34.

² Ibid., 15-17.

³ Ibid., 10-14.

di correggere, ed integrare l'opera.⁴ Dunque, la cancelleresca è considerata scrittura "extratestuale" e la gotica invece "testuale," un tipo di soluzione grafica che ricorre in manoscritti italiani, ma che non è la più frequente in Calabria, come mostra l'esempio dei codici della Sambucina. La cancelleresca è la forma più adatta per comunicare messaggi di tipo sintetico (come le intitolazioni) o analitico (come le note marginali, le didascalie di una figura, etc.). Con analoga funzione troviamo nei codici fiorenti anche una scrittura maiuscola, con le lettere ripassate e decorate (in uso presso la cancelleria normanna), impiegata per intitolazioni e didascalie.⁵ Alla gotica libraria è invece riservato il contenuto vero e proprio delle opere.

Non è strano, di conseguenza, che nel codice oxoniense del *Liber figurarum*, una raccolta di immagini simboliche con lunghe didascalie che riasumono temi cari a Gioacchino, prevalgano le parti in maiuscola ed in cancelleresca: ed anzi quest'ultimo tipo di scrittura appare particolarmente adatto allo scopo anche dal punto di vista estetico, poiché i suoi svolazzi, esagerati a bella posta, sono speculari alle eleganti volute delle figure, sinuose e rabescate secondo un gusto d'insieme estremamente caratteristico dei manoscritti fiorenti.⁶

Che il connubio tra cancelleresca e visioni fantastiche del *Liber figurarum* fosse inscindibile ci danno testimonianza, oltre ai codici più antichi dell'opera, quelli più tardi che riportano immagini da essa desunte, a cominciare dal celebre manoscritto reggiano:⁷ in esso (e in altri esemplari) vi è infatti una consapevole imitazione delle forme cancelleresche dell'oxoniense, che non riesce a svilupparsi e presto viene abbandonata.

Un esempio evidente in tal senso è la riproduzione dei cerchi trinitari del codice di Reggio, esemplata su un antigrafo molto simile al Corpus Christi College 255 A.⁸ È evidente che il copista del manoscritto reggiano ha quasi "ricalcato" le prime parole dell'immagine gioachimita come compaiono nell'oxoniense. La citazione "Ego sum alpha et omega" è fatta allo stesso modo, con le stesse lettere: La *E* iniziale di tipo onciale, con vezzi ornamentali; la *s* con l'asta inferiore che scende vistosamente sotto il rigo; la *l* e la *h* con l'asta che si innalza e si spezza; addirittura la stessa

⁴ Ibid., 11.

⁵ F. Troncarelli, "Note sull'interpunzione dei codici gioachimiti del XIII secolo," in *Storia e teoria dell'interpunzione (Atti del Convegno Internazionale di Studi, Firenze 19-21 maggio 1988)*, ed. E. Cresti, N. Maraschio, L. Toschi (Roma, 1992, 39-48).

⁶ F. Troncarelli, E. B. Di Gioia, "Scrittura, testo, immagine in un manoscritto gioachimita," *Scrittura e Civiltà* 5 (1981): 149-86, in particolare 155-58.

⁷ L. Tondelli, M. Reeves, B. Hirsch-Reich, *Il libro delle figure dell'abate Gioacchino da Fiore*, vol. 2 (Torino, 1953).

⁸ Ibid., Tav. XI a-b.

o con un punto all'interno per rappresentare la lettera greca "omega" (cfr. Tav. 1a-b, prima riga, a sinistra). Tuttavia, continuando la trascrizione sulla stessa riga, il copista del codice di Reggio abbandona le forme cancelleresche e usa la gotica libraria (Tav. 1b, prima riga: "Deus Abraham. Et Deus Ysaac. Et Deus Jacob") o un ibrido grafico di base sostanzialmente gotica con qualche artificio cancelleresco, di piccolo formato (Tav. 1b, riga soprastante e sottostante le lettere *IEUE*, nel centro della figura). Se esaminiamo le sezioni del *Liber figurarum* che sono state aggiunte nel secolo xiv all'esemplare di Reggio, troviamo che qualsiasi velleità di rifarsi all'archetipo è del tutto scomparsa: la scrittura impiegata per il testo che accompagna le figure è una minuscola gotica dall'andamento corsivo. Eppure il legame con il modello di partenza c'è ancora e molto forte, come possiamo osservare confrontando le immagini, scrupolosamente riprodotte, con gli stessi colori e la stessa ornamentazione (sia pur semplificata e riadattata) degli schemi figurativi che ci sono nel Corpus Christi College 255 A. Anche nelle altre copie di opere gioachimite nelle quali ricorrono gli stessi simboli noteremo un tentativo analogo, solo a volte riuscito, di conservare l'impronta originale,⁹ operazione questa certo stimolata dal valore allegorico di molti dettagli delle immagini, a cominciare dai colori stessi (si pensi di nuovo ai cerchi trinitari, nei quali il verde è il colore del Padre, il ceruleo del Figlio, il rosso-fuoco dello Spirito Santo).

Siamo di fronte, in sostanza, ad un duplice processo: la continuità tra archetipo e riproduzioni e, allo stesso tempo, la trasformazione-degradazione del modello nelle copie sempre più lontane dall'originale. La scrittura è più esposta a quest'ultima eventualità per ovvie ragioni: col passare degli anni divenne infatti sempre più difficile usare forme grafiche desuete, di cui si perde anche il valore simbolico, mentre al contrario ci si attiene con maggior cura a un programma iconografico creato appositamente (a meno che non si voglia alterare intenzionalmente per introdurre nuove concezioni al posto di quelle tradizionali). L'esistenza del duplice processo che abbiamo cercato di mettere in luce ci fornisce un prezioso criterio per valutare paleograficamente i codici gioachimiti: può essere, infatti, d'ausilio ai controversi problemi di datazione, attribuzione, analisi grafica dei codici, il confronto con gli usi tipici dei manoscritti più antichi ed autorevoli. Se simili abitudini grafiche o peculiarità stilistiche si trovano per così dire "allo stato puro" o comunque ad uno stadio non visibilmente alterato da altre tecniche o da altre preoccupazioni grafico-estetiche, possiamo avere un indizio con-

⁹ Troncarelli e Di Gioia, "Scrittura," 158 n. 23; M. Reeves, B. Hirsch-Reich, *The "Figurae" of Joachim of Fiore* (Oxford, 1972), 262-96, in particolare 276-83.

sistente in favore dell'antichità del manoscritto considerato o del suo rapporto diretto con gli originali di Gioacchino.

Alla luce delle considerazioni svolte ci pare opportuno prendere in esame due manoscritti molto importanti delle opere gioachimite, che non sono stati sufficientemente studiati dal punto di vista paleografico: Firenze, Biblioteca Medicea Laurenziana Conv. sopp. 358 e Padova, Biblioteca Antoniana 322.

IL MANOSCRITTO LAURENZIANO

Il codice laurenziano contiene il *Liber de Concordia novi ac veteris testamenti* nella redazione particolare di un ramo autonomo della tradizione manoscritta dell'opera.¹⁰

Come abbiamo già sostenuto altrove, il manoscritto non può essere datato al XIV secolo, ma è invece inequivocabilmente degli inizi del XIII.¹¹ A riprova di ciò e della sua origine meridionale sta il rapporto evidente tra la gotica del copista e quella di Gioacchino: lo stile grafico è estremamente simile, nel tratteggio e nella forma delle singole lettere.

Confrontando il codice laurenziano con il Cors. 797, che contiene lo stesso testo e viene da Fiore, si ha la sensazione che ambedue riproducano lo stesso modello. Infatti vi sono lettere iniziali, negli stessi brani, assai simili nella struttura e nella decorazione, come se ci fosse la diretta imitazione di un prototipo (Tav. 2a-b, c-d).

Il codice laurenziano presenta una singolarità dal punto di vista delle illustrazioni che corredano il testo: vi sono infatti due *figurae* diverse dalle altre, che hanno destato la curiosità degli studiosi. Come ho messo in luce altrove, una di esse (c. 13v) riflette preoccupazioni tipiche di Gioacchino e dei suoi più immediati seguaci: è l'immagine dell'albero delle generazioni, che termina con una testa diabolica, saldando così, con un deciso orientamento millenarista, Satana e la Storia.¹²

Un'analoga prospettiva millenarista è alla base della tavola delle generazioni e delle sette età alla fine del codice (cc. 92v-93r).¹³ In essa, l'assenza di linea divisoria tra l'ultima età dell'uomo e la fine dei tempi "might indicate the merging of the Seventh or Sabbath Age into the Eighth Day of Eternity."¹⁴

¹⁰ E. R. Daniel, *Abbot Joachim of Fiore: Liber de Concordia Novi ac Veteris Testamenti*, Transactions of the American Philosophical Society 73.8 (Philadelphia, 1983), lvii.

¹¹ Troncarelli, "Un codice," 29-31.

¹² Ibid., 29-33. L'immagine è riprodotta in Reeves e Hirsch-Reich, *The "Figurae,"* Tav. 35.

¹³ Reeves e Hirsch-Reich, *The "Figurae,"* 24, 111, 125 n. 24, 250, 265 e Tav. 9.

¹⁴ Ibid., 125 n. 24.

In ambedue le immagini considerate traspare una dimensione più schiettamente tradizionale dell'escatologismo gioachimita: in sintonia con le attese e le speranze di riscatto di certo millenarismo medievale, le due miniature pongono l'accento su temi come la lotta con Satana, il riscatto e la salvezza in un'età che verrà sulla terra alla fine del tempo. Temi questi che vengono più sfumati in altri scritti di Gioacchino ed inseriti in architetture intellettuali complesse e articolate, difficilmente schematizzabili senza pericoli di semplificazione.

Esaminando il codice con i criteri esposti all'inizio si possono aggiungere nuove osservazioni a quelle che abbiamo fatto.

Il laurenziano presenta una gerarchia grafica analoga a quella degli altri prodotti fiorentini, con i titoli e le didascalie delle *figurae* in una scrittura dalle forme cancelleresche e il testo in gotica libraria (Tav. 3). E tuttavia esiste un'importante differenza che caratterizza il manoscritto di cui ci occupiamo: la scrittura dalle forme cancelleresche non è una vera cancelleresca, ma piuttosto una sua imitazione: in sostanza gli scribi si limitano a rimpicciolire il modulo della gotica libraria e ad innalzare le aste, facendole terminare con svolazzi occasionali, che arieggiano quelli sistematici nelle forme documentarie. Il carattere artificiale della scrittura risulta chiaramente dall'incertezza e dall'irregolarità degli svolazzi che a volte sono faticosamente composti da più di un tratto e non da un'unica curva, come sarebbe naturale (si veda ad esempio a Tav. 3, 2 colonna, margine destro inferiore: "Ordo Cistercensium," la *d* presenta l'asta in due tratti e non in un tratto solo); dall'uso della penna a punta mozza della gotica libraria; dal conseguente tratteggio contrastato, più marcato che in altri esempi documentari coevi. Questa imitazione della cancelleresca su base libraria non è particolarmente originale e si ritrova in documenti italiani del centro e del nord del XII e XIII secolo: ma in area calabrese è una rarità, che non ha molti riscontri nei documenti contemporanei conservati nelle carte Aldobrandini, se non in due atti¹⁵ vergati per conto di Luca di Cosenza, il segretario e amico di Gioacchino da Fiore, divenuto prima abate della Sambucina e poi vescovo di Cosenza. Due carte del 1202 (Perg. Aldobr. III, 4a; Tav. 4) e del 1209 (Perg. Aldobr. III, 29; Tav. 5) mostrano lo stesso tipo di esperimento grafico, con le stesse oscillazioni e incertezze estetiche (si veda ad esempio a Tav. 5, riga 1, la *d* di "individue" ritoccata; riga 4, la *d* di "quandam" ritoccata; riga 7, la *d* di "damus" ritoccata; riga 9, la *L* di "Lucii" ritoccata). Nella

¹⁵ A. M. Adorasio, *Codici latini calabresi: Produzione libraria in Val di Crati e in Sila tra XII e XIII secolo* (Roma, 1986), 11.

carta della Sambucina del 1202 troviamo che la stessa scrittura è impiegata anche da alcuni dei testimoni presenti. Innanzi tutto dallo stesso Luca, che in quest'occasione firma con particolare artificio, rispetto al solito (si veda come firma normalmente nella Tav. 5). Inoltre, anche alcuni dei frati presenti usano la stessa grafia per firmare.

A ben guardare le firme dei frati sono state apposte da un'unica mano, estremamente simile a quella di Luca, che firma per conto di fratelli analfabeti, differenziando, appena la sua scrittura da quella degli altri. Si tratta di un aiutante di Luca, Guglielmo de Rosis, abile al punto da imitare molto bene la mano dell'abate.¹⁶ In ogni caso è evidente che Luca ha cercato di dare un'impronta omogenea ai documenti redatti nell'ambiente in cui operava; un tentativo che peraltro non ha sortito grandi risultati, visto che in altri documenti della sua cancelleria si alternano copisti di educazione grafica diversa.¹⁷

Il laurenziano presenta, dunque, un tipo di scrittura dei titoli e delle didascalie affine a quello che troviamo in alcuni documenti dell'ambiente di Luca di Casamari, alla Sambucina e a Cosenza: è lecito pensare che venga da questo stesso ambiente. Come si è già detto il codice ha un impianto complessivo simile a quello del Cors. 797, che viene da Fiore: ma ciò si può comprendere, poiché Luca era stato per molti anni collaboratore di Gioacchino, in stretto rapporto con lui (era stato anche suo copista). Dunque, la dipendenza del laurenziano da un modello vicino a quello del corsiniano si giustifica pensando alla figura e all'ambiente di Luca. Ed allo stesso modo si giustifica la presenza di singolarità come le illustrazioni di cui abbiamo parlato: solo Gioacchino poteva innovare e modificare il testo che aveva composto in precedenza (la *Concordia* è stata composta in varie riprese tra il 1182 e 1198). Una copia della prima redazione, non ancora rielaborata dalla *Concordia* può conservare immagini scomparse in altre copie. L'ipotesi collima con quanto sappiamo per via filologica: gli studiosi hanno infatti supposto che vi siano varie fasi di composizione e revisione della *Concordia*.¹⁸ A ciò si aggiunga che la Reeves ha sottolineato la fedeltà del codice laurenziano alla tradizione gioachimita, per la conservazione di alcuni importanti dettagli iconografici.¹⁹ Una tradizione che è congruo attribuire alla "cerchia

¹⁶ Si osservi a questo riguardo l'estrema somiglianza tra il "Subscripti" di Luca e quello di Guglielmo de Rosis.

¹⁷ Si vedano ad esempio Perg. Aldobr. III, 19, 20, 23.

¹⁸ Daniel, *Abbot Joachim*, xxvi-xxvii; Troncarelli e Di Gioia, "Scrittura," 166-72.

¹⁹ Reeves e Hirsch-Reich, *The "Figurae"*, 24, 111, 125.

dei più stretti collaboratori di Gioacchino"²⁰ come suggerisce una glossa al laurenziano stesso.

IL MANOSCRITTO DI PADOVA

Il codice 322 della biblioteca Antoniana è opera di vari scribi di educazione grafica molto diversa, alcuni con spiccate influenze cancelleresche, altri con un più deciso orientamento verso le forme della gotica libraria. Gli studiosi oscillano sulla sua datazione ed attribuzione:²¹ ciò che comunque resta fermo è la provenienza calabrese del manoscritto e la datazione più tarda di quella delle prime testimonianze fiorenti, nella prima metà del XIII secolo.

Lasciando in sospeso in questa sede tali problemi, a noi sembra interessante porsi un'altra domanda: non *dove* e *quando* l'antoniano è stato prodotto, ma *perché*? Qual'è il senso di una raccolta di testi gioachimiti di questo tipo? A chi ci si rivolgeva preparandola? Tali questioni s'intrecciano con quelle che derivano dal nostro proposito iniziale: qual'è il rapporto tra i codici gioachimiti prodotti in ambito fiorentino ed altri esemplari successivi di opere di Gioacchino? Quanto simili esemplari si allontanano dai modelli originali preparati sotto la supervisione del grande teologo?

Un ausilio per rispondere a simili domande (e indirettamente per proporre nuovi argomenti per risolvere la questione della datazione e attribuzione) ci viene offerto dai criteri a cui abbiamo accennato all'inizio di questo studio.

Dal punto di vista delle gerarchie grafiche, l'antoniano non sembra ispirarsi agli usi gioachimiti: le intitolazioni della maggior parte delle opere mancano, ma quando ci sono vengono scritte in una gotica primitiva con qualche svolazzo cancelleresco. Anche le didascalie delle figure o i brani inseriti all'interno di esse sono in questo tipo di scrittura (con l'eccezione di quelle immagini ritoccate o aggiunte che analizzeremo in seguito).

Sembrerebbe a prima vista che il codice derivi da un ambiente che non è al livello delle abitudini grafiche gioachimite. Ciò tuttavia è molto strano, se si pensa al contenuto del manoscritto. La miscellanea di opere di Gioacchino è ricchissima di scritti rari o rarissimi, come solo può avvenire in un centro che ha legami forti e profondi con la cultura e la figura stessa del grande teologo. Solo in simile ambito si giustifica l'interesse per operette minori come il *De prophetia* o i sermoni dell'abate di Fiore o il trattatello

²⁰ Troncarelli, "Un codice," 30.

²¹ Adorasio, *Codici*, 26-29; Valeria De Fraja, "Un'antologia gioachimita: Il manoscritto 322 della Biblioteca Antoniana di Padova," *Studi medievali*, serie terza, 32 (1991): 231-58. De Fraja attribuisce il codice a S. Angelo del Frigilo, contrariamente all'opinione di Adorasio che proponeva come origine l'Abbazia della Sambucina.

De ultimis tribulationibus.²² A riprova del rapporto privilegiato con Gioacchino va valutata la presenza di alcune note di mano del copista al margine del *De vita s. Benedicti*.²³ Una sola ha attirato l'attenzione degli studiosi, perché rivela ad un tempo una lezione autentica sparita dai codici e l'influsso della condanna conciliare del 1215 del trattato contro Pietro Lombardo.²⁴ Ma anche altre note sono meritevoli di attenzione e sembrano provenire da un ambiente che ha il controllo degli scritti di Gioacchino.²⁵ È evidente, dunque, che il codice ha un aspetto contraddittorio: per certi aspetti non somiglia ai prodotti fiorentini, per altri aspetti è tipicamente gioachimita. Come spiegare questa contraddizione? Prima di rispondere a questa domanda occorre esaminare un altro problema.

Analizzando il codice e confrontandolo con le testimonianze dell'*atelier* di Fiore ci colpisce un evidente parallelismo nelle correzioni marginali ed interlineari. Nell'antoniano esse sono state aggiunte da mani diverse da quelle dei copisti: vi sono integrazioni testuali piuttosto estese o variazioni di minima importanza contrassegnate da una pluralità di segni. Alcuni sono comuni ai copisti dell'epoca, ma altri sono caratteristici, come ad esempio il monogramma "VA" per "vacat" che segnala una lacuna estesa,²⁶ varie

²² Il *De ultimis tribulationibus* è stato recentemente pubblicato da E. R. Daniel, "Abbot Joachim of Fiore: The *De ultimis tribulationibus*," in *Prophecy and Millenarianism: Essays in Honour of Marjorie Reeves*, ed. A. Williams (Burnt Hill, Harlow, Essex, 1980), 165-89. Anche il *De prophetia* è stato pubblicato da B. McGinn, "Joachim and the Sibyl: An Early Work of Joachim of Fiore from Ms. 322 of the Biblioteca Antoniana in Padua," in *Cîteaux: Commentarii Cistercienses* 24 (1973): 97-138.

²³ Le note sono pubblicate da C. Baraut, "Un tratado inédito de Joaquín de Fiore: 'De vita sancti Benedicti et de Officio divino secundum eius doctrinam,'" *Analecta Sacra Tarraconensia* 24 (1951): 33-122.

²⁴ J. C. Huck, *Joachim von Floris und die joachitische Literatur* (Freiburg-im-Bresgau, 1938), 6-7.

²⁵ Una nota come quella che ricorre a c. 146v ("Quicquid super hoc articulum aliter dictum est in *Concordia* et *Apocalipsi* emenda") può provenire solo dalla cerchia dei più intimi collaboratori di Gioacchino, se non è di Gioacchino stesso. Chi, infatti, avrebbe l'autorità di correggere ed emendare le opere di Gioacchino, se non lui stesso o i suoi seguaci più fedeli? Anche altre note sono interessanti e rivelano la presenza evidente di Gioacchino: così ad esempio la nota pubblicata da Baraut, "Un tratado," 94 n. 57, a proposito della venuta di Elia e della cautela necessaria al cristiano per riconoscerlo, non può non essere messa in relazione con concezioni tipiche del primo gioachinismo. Ha scritto a questo proposito S. E. Wessley, *Joachim of Fiore and Monastic Reform* (New York, 1990), 16-17: "For Joachim the beginning of the Third Age and its predicted new monks was to coincide with the expected reappearance of the prophet Elias. . . . In the *De vita s. Benedicti* Joachim established a clear equation between Benedict and Elias" (cfr. anche *ibid.*, 25-27).

²⁶ Padova Ant. 322, c. 140v; Cors. 797, c. 43v, margine destro (Tavv. 6-7). Nel codice corsiniano il "vacat" segnala l'omissione delle parole "Sed ad rem veniamus"; cfr. Daniel, *Abbot Joachim*, 333.

forme di monogramma “nota” per i passi da commentare e vari segni di richiamo per le integrazioni testuali²⁷ (Tav. 8a-b, c-d, e-f).

A tali corrispondenze si aggiunga che in almeno un caso vi è un’integrazione al testo opera di una mano (Tav. 9) molto simile a quella che troviamo nel codice fiorense Vat. Chigi A.VIII.231, alle cc. 84v-102r (Tav. 10).²⁸

Dal momento che l’educazione grafica del copista che ha apportato l’integrazione alla carta 57v è sostanzialmente diversa da quella degli altri copisti presenti nel codice, è legittimo pensare che l’aggiunta sia stata apportata in ambito fiorense, un altro ambiente rispetto a quello che ha preparata il manoscritto; allo stesso modo è legittimo ritenere che anche le correzioni siano state apposte nella stessa sede. Che tale centro grafico possa essere Fiore o una sua dipendenza, dove erano usati gli stessi metodi di correzione e dove i copisti avevano un certo tipo di educazione grafica, è confermato dal fatto che nell’antoniano è stato riveduto e corretto anche l’apparato iconografico, con l’aggiunta di illustrazioni, come ad es. c. 33v (Tav. 11) dove l’intero disegno è stato aggiunto. Vi sono anche correzioni delle didascalie. Un esempio tipico di tali correzioni è a c. 28v (Tav. 12): nella illustrazione è stata ricorretta la scritta al centro della figura, da una mano che scrive in modo più corretto ed accurato, con un migliore allineamento sul rigo e una maggior regolarità nella spaziatura delle lettere (si confronti la parola “PATER” in alto a sinistra e “SPS SCS” al centro della tavola 12: la *P* di “PATER” scende sotto il rigo ed è staccata eccessivamente dalla *A*, che, a sua volta non è disposta sul rigo allo stesso modo della *R*; invece la spaziatura delle parole “SPS SCS” è più regolare ed anche l’allineamento delle prime tre *S*).

L’antoniano è un codice prodotto in un centro piuttosto povero, come testimonia la mediocre qualità delle pergamene e l’educazione grafica molto diseguale dei diversi copisti.²⁹ In quest’ambiente che sembrerebbe diverso

²⁷ Su questo argomento si veda il mio studio, “Osservazioni sull’autografo di Gioacchino da Fiore” (in corso di stampa).

²⁸ Nel Vat. Chigi A.VIII.231 interviene una seconda mano, oltre a quella del copista della maggior parte del codice, alle cc. 84r-102r. I due scribi lavorano assieme e si alternano, anche se di educazione grafica diversa: la seconda mano, infatti, mostra più decisi caratteri gotici: spezzatura delle curve; tratteggio contrastato; fusione delle curve contrapposte. La somiglianza con la mano di c. 57v mi è stata confermata da P. L. Boyle e P. Supino, che ringrazio vivamente.

²⁹ Un’altra spia del basso livello grafico degli amanuensi dell’antoniano è l’ornamentazione delle iniziali. Basta confrontarle con quelle di codici coevi della stessa area per rendersi conto della differenza di fattura. Si consideri, ad esempio, il confronto tra la *D* policroma del codice di Oxford, Bodleian Library Canon. Pat. lat. 158, c. 1r, e quella di affine struttura dell’antoniano, c. 151v (riprod. in Adorisio, *Codici*, figg. V-VI). La seconda non è policroma ma in tre colori, tra cui il rosso nettamente prevalente, con il motivo floreale stilizzato e

dai più prestigiosi centri fiorentini si conservano testi di Gioacchino particolarmente rari, raccolti in una miscellanea così preziosa, da essere acquisita da una fondazione fiorentina poco dopo l'epoca della trascrizione. In tale sede il manoscritto viene ricorretto in modo da somigliare ad altri codici gioachimiti, con interventi che riguardano sia il testo, sia le illustrazioni. E tuttavia questi interventi non sono sempre dei miglioramenti, ma a volte dei tentativi di "omologare" alcuni testi a una versione *vulgata*.³⁰ In altri casi non ci sono addirittura interventi di correzione, come avviene per quei testi di cui il codice è *codex unicus*.³¹ È evidente, dunque, che perfino rispetto alle fondazioni fiorentine, il codice di Padova rappresentava una raccolta anomala. Qual'è il significato di una simile raccolta? Allo stato attuale delle ricerche è molto difficile rispondere con sicurezza a questa domanda: segnaleremo però che il codice ha circolato nella regione di Cosenza immediatamente dopo la sua trascrizione, come mostra la evidentissima affinità tra la scrittura corsiva di una mano del tutto coeva a quella del copista a c. 35r con documenti cosentini del primo ventennio del XIII secolo, come ad esempio Perg. Aldobr. IV, 2. Questa circolazione precoce può forse darci un elemento di valutazione o almeno suggerire un'eventualità.

A me sembra che questa raccolta, così particolare ed unica nel suo genere, possa provenire dalla abbazia di S. Martino di Canale, fondata da Gioacchino, che vi si trasferì da S. Giovanni in Fiore e vi trascorse l'ultimo anno di vita, situata a poca distanza da Cosenza.

In questa nuova fondazione, ancora in fase di allestimento alla morte di Gioacchino, non si è potuta sviluppare una vera "scuola calligrafica,"

semplificato; tale motivo è inoltre mal eseguito, poiché il fiore in fiore è più grande di quello superiore ed ha i petali asimmetrici. Analoghe osservazioni si possono fare per la *I* del codice di Oxford, c. 29v, rispetto a quella della c. 14r dell'antoniano. Pur essendo assai simili le due lettere sono costruite diversamente dal punto di vista dell'uso del colore: nell'iniziale di Oxford è colorata la *I*, mentre i motivi ornamentali sopra e sotto la lettera sono lasciati in bianco, ripassati solo con l'inchiostro marrone che serve a delinearne i contorni. Si crea così un gradevole contrasto tra una parte colorata ed una parte non colorata, in cui conta invece il gioco delle linee. Viceversa nella *I* di Padova sono colorate ambedue le parti, la lettera e l'ornato sopra e sotto i suoi vertici, con un effetto più povero dal punto di vista estetico. È facile osservare che tutte le iniziali dell'antoniano presentano caratteri simili: il codice è stato prodotto da un ambiente poco raffinato, come del resto mostra anche lo squilibrio estetico dal punto di vista grafico tra le mani dei copisti, che alternano grafie in stile gotico e grafie in stile cancelleresco.

³⁰ L'importanza del codice di Padova dal punto di vista testuale e la sua posizione autonoma ed originale nella trasmissione di opere gioachimiti come il *Psalterium decem cordarum* è stata recentemente messa in evidenza da K.-V. Selge, "L'origine delle opere di Gioacchino da Fiore," in *L'attesa della fine dei tempi nel Medioevo*, ed O. Capitani e J. Miethke (Bologna, 1990), 87-131.

³¹ È quanto avviene ad esempio per la *Quaestio de Maria Magdalena* (cc. 139v-140r) oppure l'*Intelligentia super calathis* (cc. 136v-139v).

per la morte del teologo e la scarsità dei mezzi economici (l'abbazia non brillò per la sua prosperità nel XIII secolo, come invece altre fondazioni fiorenti). Ciò giustificherebbe la trasandatezza grafica e la scarsa omogeneità estetica delle mani degli scriventi. D'altro canto, avendo conservato i manoscritti originali di Gioacchino, la biblioteca di S. Martino aveva un pregio particolare rispetto a tutte le altre fondazioni fiorenti.³²

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³² Le conclusioni a cui siamo pervenuti e le osservazioni a riguardo del codice di Padova sono state presentate da chi scrive al Seminario di Studi su Gioacchino da Fiore tenutosi a Bad Homburg nel 1991, dove si è ampiamente discusso del codice di Padova alla presenza di autorevoli studiosi di Gioacchino come Kurt-Viktor Selge, Robert Lerner, Stephen Wessley, Roberto Rusconi, Antonio Maria Adorisio, Randolph Daniel, Yves Gélinas, Gian Luca Potestà, Alexander Patschovsky.

Nuovi argomenti in favore delle nostre ipotesi, grazie all'esame comparativo delle testimonianze grafiche calabresi tra XII e XIII secolo sono stati portati nel nostro intervento al Convegno *Civiltà del Mezzogiorno in Italia* (Napoli 14-18 ottobre 1991), intitolata "Tra beneventana e gotica: Manoscritti e multigrafismo nell'Italia meridionale normanno-sveva" (in corso di stampa).

THE RESTORED
LIFE AND MIRACLES OF ST. DOMINIC OF SORA
BY ALBERIC OF MONTE CASSINO

Carmela Vircillo Franklin

INTRODUCTION

Alberic the Deacon, “vir disertissimus ac eruditissimus,”¹ “vir illis temporibus singularis,”² is one of the most important figures in the intellectual revival of Monte Cassino under Abbot Desiderius in the second half of the eleventh century. A writer of astonishing breadth, Alberic is known as a theologian, a hagiographer, a poet, and a preeminent figure in grammatical and rhetorical studies because of his role in the development of the *ars dictaminis*, the art of letter writing.³ He was also one of the most influential teachers of his generation. John of Gaeta, first a monk at Monte Cassino, then the papal chancellor (1089–1118), and finally pope as Gelasius II

¹ *Chronica monasterii Casinensis* 3.35 (ed. Hartmut Hoffmann, *Die Chronik von Montecassino*, MGH SS 34 [Hannover, 1980], 410). This chapter is from Guido's continuation of the *Chronicle* but it may very well be based on Leo Marsicanus's draft notes. See Armand O. Citarella and Henry M. Willard, *The Ninth-Century Treasure of Monte Cassino in the Context of Political and Economic Developments in South Italy*, *Miscellanea cassinese* 50 (Monte Cassino, 1983), 15–21.

² Peter the Deacon, *De viris illustribus* 21 (PL 173:1032–33).

³ For Alberic of Monte Cassino, see the entries with bibliography by A. Lentini in *Dizionario Biografico degli Italiani*, vol. 1 (Rome, 1960), 645–46, and by H. M. Schaller in *Lexikon des Mittelalters*, vol. 1 (Munich, 1980), 281. Dom Anselmo Lentini's numerous articles on Alberic's hagiographical works have now conveniently been grouped in Anselmo Lentini, *Medioevo letterario cassinese: Scritti vari*, ed. Faustino Avagliano (Monte Cassino, 1988). I shall refer to them as they appear in this volume [MLC]. Herbert Bloch, “Monte Cassino's Teachers and Library in the High Middle Ages,” *La scuola nell'Occidente latino dell'alto medioevo*, vol. 2, *Settimane di studio del Centro italiano di studi sull'alto medioevo* 19 (Spoleto, 1972), 587–94, provides the clearest presentation of Alberic's rhetorical works. To these bibliographies the following should be added: Paul F. Gehl, “Monastic Rhetoric and Grammar in the Age of Desiderius: The Works of Alberic of Monte Cassino” (Ph.D. Diss., University of Chicago, 1976); and Franz Josef Worstbrock, “Die Anfänge der mittelalterlichen *Ars dictandi*,” *Frühmittelalterliche Studien* 23 (1989): 1–42.

(1118–19), is his best known pupil.⁴ The *Breviarium de dictamine* was dedicated to Alberic's students Gundfridus (Goffridus) and Guidus, and the *Flores rhetorici* was dedicated to his students Petrus and Gregorius.⁵ In addition to his illustrious career as a teacher and writer at Monte Cassino, Alberic's polemical role in the eucharistic controversy against Berengar of Tours in 1078–79 and his participation soon after in the dispute over papal elections against Emperor Henry IV are singled out in the abbey's *Chronicle* and in the biographical survey of its most eminent monks the *De viris illustribus*.⁶

Alberic was very likely born and educated in the Beneventan territory. His early teacher may have been Roffredus, deacon and *bibliothecarius* of the church of Benevento, and later bishop of that city.⁷ The date of his arrival at Monte Cassino remains in doubt. Until recently, there was no evidence to suggest that Alberic had joined the abbey before the early 1060s, when Peter Damian replied to several queries addressed to him by Alberic.⁸ The recently discovered preface and *apologia* to the *Vita Caesarii*, however, indicate that Alberic may already have been a monk when he wrote this work at age thirteen.⁹ Since one must assume that Alberic was an adult,

⁴ Peter the Deacon, *De viris illustribus* 45: "ab Alberico philosopho edoctus" (PL 173: 1046). The questions raised about the authenticity of this passage and Gelasius's intellectual debt to Alberic are fully discussed in Odilo Engels, "Alberich von Montecassino und sein Schüler Johannes von Gaeta," *Studien und Mitteilungen zur Geschichte des Benediktiner-Ordens und seiner Zweige* 66 (1955): 35–50, in which Engels suggests that a comparison of Alberic's known hagiographical works with Gelasius's provides an indication of a similar school tradition.

⁵ Lentini supports the identification of this Guidus with the continuator of the *Chronicle* of Monte Cassino (Anselmo Lentini, "Alberico di Montecassino nel quadro della riforma gregoriana," in MLC, 47–48), although some doubts can be raised about this. For possible identification of Petrus and Gregorius, see *ibid.*, 48. Another famous pupil may have been Leo Marsicanus, the first author of the *Chronicle*, which shows evidence that Leo was familiar with Alberic's works and style; see Citarella and Willard, *Ninth-Century Treasure*, 27–29 and nn. 27, 28.

⁶ Alberic's treatise on the Eucharist, presumed lost, has now been identified by Charles M. Radding and Francis Newton, "Alberic of Monte Cassino's Answer to Berengar of Tours" (forthcoming). I am grateful to the authors for sharing a draft of their article.

⁷ Anselmo Lentini, "Sulla 'Passio s. Modesti' di Alberico Cassinese," in MLC, 113–14. There is no evidence for the tradition that Peter Damian was his teacher: see John Howe, "Peter Damian and Monte Cassino," forthcoming in *Studi Medievali*.

⁸ It has been suggested that Alberic may have come to Monte Cassino soon after 1058, in the following of Desiderius, who was also from the Benevento territory. Lentini concluded that Alberic joined the abbey as an adult (Lentini, "Alberico di Montecassino," 54–57).

⁹ The prologue, addressed, "Dilectissimo in Christo fratri et amico unanimi Marino . . ." (Jean Mallet and André Thibaut, *Les manuscrits en écriture bénéventaine de la bibliothèque capitulaire de Bénévent*, vol. 1 [Paris, 1984], 246–47), suggests that a monk is writing to another monk. The Marinus addressed in this work has not been identified. There is a *Marinus*

albeit a young one, when he corresponded with Peter Damian in the early 1060s, the *Vita Caesarii* leads to the conclusion that Alberic had by then been at Monte Cassino already for several years. He died between 1094 and 1098/99.¹⁰

Despite Alberic's importance and the esteem in which he was held both within and outside Monte Cassino, a precise and comprehensive list of his works could not be compiled soon after his death. Both the *De viris illustribus* and the *Chronicle* report that Alberic had composed several other works which were no longer available ("quae in nostram notitiam non venerant").¹¹ Uncertainties surrounding Alberic's literary activity persist today, even while previously anonymous or wrongly attributed works are added to the Alberician canon.¹² The present study began as an effort to

monachus under 16 September in Leo Marsicanus's calendar: Hartmut Hoffmann, "Der Kalender des Leo Marsicanus," *Deutsches Archiv für Erforschung des Mittelalters* 21 (1965): 118.

¹⁰ Alberic died on 9 July, between 1094, when Archbishop Peter of Naples (d. 1100–1114), to whom the *Vita S. Aspren* is dedicated, became Archbishop, and 1098–99, when Leo Marsicanus made the first redaction of his calendar in which he recorded Alberic's death (Hoffmann, "Der Kalender," 113). The circumstances which led to the statement in *De viris illustribus* 31, "Sepultus vero est in urbe Roma juxta ecclesiam Sanctorum Quatuor Coronatorum" (PL 173:1033), are unknown. Totally false is, of course, the report that Alberic was a cardinal, although he was a priest, according to Lentini, despite his appellation "diaconus" (Lentini, "Alberico di Montecassino," 69–82).

¹¹ Peter the Deacon, *De viris illustribus* 21 (PL 173:1033); *Chronica* 3.35 (ed. Hoffmann, 411). The *Chronicle* of Monte Cassino lists nineteen works in his biographical sketch (though some might be considered different parts of a single work, such as, for example, the Life, homily, and hymns in honor of St. Scholastica). The *De viris illustribus* repeats these nineteen and adds several more (I assume that its "De monachis" corresponds to "De monacho penitente" in the *Chronicle*). The following works appear only in the *De viris illustribus* list: hymns "in sancti Nicolai"; "De astronomia"; hymns "in S. Crucis, in Ascensionis, in Sancti Pauli, in sancti Apollinaris"; three hymns "in Assumptionis S. Mariae"; hymns "in sancti Petri." Many of these, however, were added by Peter the Deacon to an earlier draft of this chapter, and serious doubts have been raised about their authenticity; see next note.

¹² The *Vita S. Aspren* was attributed to Alberic by Klewitz; see, fully, Lentini, "Alberico di Montecassino," 46 n. 4h. Engels, "Alberich von Montecassino," 35–42, had identified BHL 1514 as Alberic's *Passio S. Caesarii* on stylistic grounds. The recent discovery of the prologue to this work confirms Engels's theory (see n. 9 above). Gehl, "Monastic Rhetoric," 205–16, makes a claim that a work called "De longitudine et breuitate principalium syllabarum," found in Vatican City, Biblioteca Apostolica Vaticana Ottob. lat. 1354, and a brief treatise "De orthographia," in Wolfenbüttel, Herzog-August-Bibliothek 4.11 Aug. 4^o, are Alberic's. See also Paul F. Gehl, "Vat. Ottobonianus Lat. 1354: A propos of Catalogue Notices and the History of Grammatical Pedagogy," *Revue d'histoire des textes* 8 (1978): 303–7. Diane Warne Anderson, "Lexicon Prosodiacum" (Ph.D. Diss., Duke University, 1986), and forthcoming book, has suggested that the prosodiacal florilegium found in Monte Cassino, Archivio della Badia 580 was compiled, or at least given its final form, by Alberic. The claims in Owen J. Blum, "Alberic of Monte Cassino and the Hymns and Rhythms ascribed to Saint Peter Damian," *Traditio* 12 (1956): 87–148, have been convincingly questioned by Paul J. Meyvaert, "Alberic of Monte Cassino or Saint Peter Damian?" *Revue Bénédictine* 67 (1957): 175–81.

restore to Alberic one more work. I had realized already in the fall of 1986 that two anonymous texts known as BHL 2245b, an unpublished Life of Dominic of Sora, and BHL 2242, a collection of miracles performed by this saint, are in fact the work of Albericus, that they constitute the original *Vita S. Dominici* attributed to him in both the *Chronicle* and the *De viris illustribus*, and that the *vita* then assigned to Alberic, BHL 2244, is a later reworking of Alberic's original text. Other obligations caused me to put aside this project until 1989–90. As I was finishing up the writing of my study and edition in May 1990, I learned that M. François Dolbeau had also been engaged in an examination of this text, and that he also intended to publish an edition of BHL 2245b and 2242 as Alberic's restored work. It proved therefore impossible for me to publish my edition and discussion. Now that M. Dolbeau's article has appeared,¹³ I want to offer my own contribution to the study of Alberic's dossier of Dominic in light of M. Dolbeau's edition and research.

Dominic was born in Foligno (Umbria) in the middle of the tenth century, and he died and was buried in his monastery near Sora on 22 January 1031, “cum iam octuaginta fere annos exegisset aetatis.”¹⁴ Today his cult, centered on his power over snakes, is widely celebrated in the area where his apostolate took place, in the Valley of the Liri River, in parts of Campania, and in Abruzzi and Lazio. His body and other relics (his abbatial ring, his pectoral cross) are kept in Sora, in the church attached to the currently Cistercian monastery and dedicated to the Assumption (generally called, however, “Santuario di San Domenico”). The parish church of Sora pre-

¹³ François Dolbeau, “Le dossier de saint Dominique de Sora: D’Albéric du Mont-Cassin à Jacques de Voragine,” *Mélanges de l’École française de Rome. Moyen Âge* 102 (1990): 7–78.

¹⁴ *Ibid.*, 61 (Dm 204). All the references to Dm, unless otherwise indicated, refer to Dolbeau's edition of the Life and Miracles of Dominic. Today, Sora's monastery is included in Isola del Liri, in the province of Frosinone. It has been a Cistercian house since 1222. For Dominic of Sora, see the article by Filippo Caraffa in the *Bibliotheca sanctorum*, vol. 4 (Rome, 1964), cols. 737–39, with pertinent bibliography. Caraffa's principal assumption, that the *vita* written by Johannes deserves greater attention, does not, however, take into account Lentini's contrary opinion (see pp. 291–92 below). It should also be noted that Caraffa repeats the discredited statement that Alberic had been made a cardinal by Alexander II. See as well the article by R. Manselli in the *Lexikon des Mittelalters*, vol. 3 (Munich, 1986), cols. 1191–92. Some aspects of Dominic's cult have been traced back to pagan practices; see Alfonso M. Di Nola, *Gli aspetti magico-religiosi di una cultura subalterna italiana* (Turin, 1976), 31–178. G. Penco places Dominic within the reform and heremital monastic movements of the eleventh century in *Storia del monachesimo in Italia dalle origini alla fine del Medio Evo* (Rome, 1961), 209. Anselmo Lentini discusses the relations between Dominic and Monte Cassino in “S. Domenico sorano e Montecassino,” in *MLC*, 166–74. His remarks on whether or not Dominic followed the Benedictine Rule must be viewed in terms of the new evidence which Dm presents.

serves the relic of Dominic's mitre believed to have been in the monastery of St. Bartholemew in Trisulti, which he also founded. In the small village of Cocullo, where Dominic's tooth is kept, his help is invoked against the bite of rabid dogs and of snakes. And the procession on his feast day, reported often in the press, with live snakes wreathing the saint's image, attracts snake charmers from all the region.

Many facets of these cults, however, are later accretions. The earliest historical sources emphasize other aspects of Dominic's life: he was a holy hermit, an adamant preacher against clerical unchastity, a miracle worker, and a builder of monasteries. The *Chronicle* of Monte Cassino singles out the latter two accomplishments in a concise entry marking the saint's death: "... anno scilicet Domini millesimo tricesimo primo, beatus Dominicus mirabilium patrator magnorum et multorum fundator cenobiorum apud Soram Campanie civitatem iam ferme octogenarius migravit ad Dominum et sepultus est in monasterio Sore vicino, quod nunc eiusdem vocabulo nuncupatur."¹⁵ These same two aspects constitute the major *foci* of Alberic's restored work as well.

THE TEXTS CONCERNING DOMINIC OF SORA

The exploits of Dominic gave rise immediately after his death to an extensive hagiographical dossier, whose modern critical study was begun by John Bolland (1596–1665) when he published what he considered Alberic's Life "ex vetusto codice Cassinensis bibliothecae, litteris Longobardicis exarato." Bolland's edition was based on a copy made by the Jesuit Antonio Beatillo from the oldest Cassinese manuscript, Monte Cassino, Archivio della Badia 101, of the late eleventh century, which declared Alberic as the author in the title.¹⁶ Furthermore, the prologue, in its discussion of method and sources, betrayed this work as Alberic's. There seemed no reason to doubt that this must be the Life of Dominic which both the Monte Cassino *Chronicle* and the *De viris illustribus* list among Alberic's works. Bolland

¹⁵ *Chronica* 2.59 (ed. Hoffmann, 283). Dominic's foundations S. Pietro Avellana, S. Pietro del Lago, and di Prato Cardoso were given to Monte Cassino in 1067–69, a fact which is important in dating Alberic's work (see p. 309 below). See the indexes of Herbert Bloch, *Monte Cassino in the Middle Ages*, 3 vols. (Cambridge, 1986), 3:1400, 1451, 1452, for full references to these donations. The *Annales casinenses* (s.a. 1031; ed. W. Smidt, MGH SS 30.2 [Leipzig, 1934], 1413) contain a brief notice ("Beatus Dominicus migravit ad Christum"), as does Leo of Ostia's calendar (Hoffmann, "Der Kalender," 101, 134).

¹⁶ The title was written by a hand different from that of the text. See p. 317–18 below.

noted, however, both in his introduction and in the long notes to his edition, that Ludovico Iacobilli's Italian treatment of this saint included episodes and details missing from Alberic's text as he knew it.¹⁷ The significance of this comment will become apparent below. In their catalogue of hagiographical works, the Bollandists gave the number BHL 2244 to this piece.¹⁸

This same text was printed in Jean Mabillon's *Acta Sanctorum Ordinis S. Benedicti*.¹⁹ In his introduction, in addition, Mabillon refers to a "secunda vita" also from the Monte Cassino library which he describes as "tantisper compendiosior, sed tamen quaedam continens, quae in prima edita desiderantur." Mabillon gives readings from this "secunda vita" in his notes. This work was later given the number BHL 2245.

In the very first issue of the *Analecta Bollandiana* in 1882, the Bollandists returned to the hagiographical dossier of Dominic by publishing two more pieces. The first was a *vita* whose author declared himself to be Johannes, a disciple of the saint. It was copied in the seventeenth or eighteenth century from a manuscript at the Biblioteca Alessandrina in Rome, Codex 91, which had been part of the collection put together by Costantino Gaetano.²⁰ This work was assigned the number BHL 2241. The second work—later to be numbered BHL 2242—was a collection of miracles also copied by the early Bollandists, "e ms. Vallicelliano tom. V."²¹ The editor noted that the contents of the Miracles and of the *vita* BHL 2241 revealed that they had been written by a contemporary.²² A third work discussed in the Bollandist editor's introduction was not edited. It was also copied from Gaetano's papers at the Alessandrina. This text—later numbered BHL 2243—was considered

¹⁷ *Acta sanctorum*, 3d ed., Ian. III, pp. 55–59. See below for a further discussion of Bolland's text and of Iacobilli's Italian version.

¹⁸ *Bibliotheca hagiographica latina antiquae et mediae aetatis*, 2 vols. (Brussels, 1898–1901), 1:339.

¹⁹ Jean Mabillon, "Vita S. Dominici Abbatis Sorani in Italia. Auctore Alberico S.R.E. Cardinale," in *Acta Sanctorum Ordinis S. Benedicti in Saeculorum Classes Distributa*, 6 vols. in 9 (Paris, 1668–1701), vol. 6.1 (1701), 355–60. See below for further discussion of Mabillon's text.

²⁰ "S. Dominici Sorani abbatiss Vita et miracula a coevis conscripta et nunc primum edita," *Analecta Bollandiana* [AB] 1 (1882): 279–322. The editor may have been Père De Backer, as I am informed by the courtesy of Fr. Joseph van der Straeten, who also wrote me that these texts were contained in the Bollandist library codex ms. 104 but are no longer there: "L'éditeur les aura enlevés pour publier son texte: la photocopie n'existait pas encore!" (Letter, 19 July 1989). On Gaetano, see José Ruysschaert, "Costantino Gaetano, O.S.B., chasseur de manuscrits: Contribution à l'histoire de trois bibliothèques romaines du XVII^e s., l'*Aniciana*, l'*Alessandrina*, et la *Chigi*," in *Mélanges Eugène Tisserant*, vol. 7, Studi e testi 237 (Vatican City, 1964), 261–326. On this manuscript, see further below.

²¹ "S. Dominici Sorani," 279.

²² The editor noted, for example, that the author claimed to have collected these stories from eyewitnesses.

by the Bollandist editor a summary of BHL 2241 and 2242, as it narrates all the events contained in the other two works “servato in utraque parte eodem narrationis ordine et identidem etiam iisdem verbis,” but more succinctly and without recounting the miracles which occurred before Dominic’s death (nos. 1–11 in the Bollandist edition of BHL 2242) except for one (no. 12).²³ As Dolbeau demonstrates, this composition was put together in 1273 by Jacopo da Voragine.²⁴

The prologue to the Life attributed to Alberic, BHL 2244, mentions the existence of still another Life of Dominic: an anonymous text written “lacinioso impolitoque nimis . . . sermone,” which recounted the origins, life, and death of Dominic, as well as miracles performed by him both in life and after death, but whose mendacity made it untrustworthy.²⁵ The Bollandist editor of BHL 2241 addressed the identity of this Life known to—and presumably used by—Alberic. It was suggested that Alberic could not have meant the *vita* by Johannes (i.e., BHL 2241), since it does not contain any miracles performed after the saint’s death.²⁶ Nor could Alberic have meant the Miracles, which tell nothing of the saint’s life. He also rejected the possibility that Alberic could be referring to the “breve illud elogium,” later numbered 2246 in the BHL, to which no modern editor has paid further attention.²⁷

The Bollandist editor also discussed another major issue confronting the reader of the Miracles. This work begins abruptly, without a preface. Furthermore, several times in the body of the work itself there are references to people or places “mentioned above” which, however, do not previously appear. Clearly, this suggests that the Miracles constitute only the second part of a complete work. Which, if any, surviving text is the first part? Perhaps, the Bollandist suggested, Johannes’s Life was meant to precede the Miracles account.²⁸

Dom Anselmo Lentini, a preeminent student of the literary history of Monte Cassino, returned to Dominic’s hagiographic dossier in 1951 as he

²³ “S. Dominici Sorani,” 280.

²⁴ Dolbeau, “Le dossier,” 29–31, in which an edition of this still unpublished text is promised. I am excluding this late work from consideration here.

²⁵ BHL 2244 (see n. 29 below) 1–2 (= Dm 1–2).

²⁶ Furthermore, its style could not be described as “laciniosus,” nor its contents mendacious.

²⁷ “S. Dominici Sorani,” 281. BHL 2246 is published in *Bibliotheca casinensis* III (Monte Cassino, 1879), Florilegium casinense, 365–66. The Bollandist’s suggestion, that BHL 2243 was known to Alberic and that it was the text which he so strongly condemned in his prologue, must now be rejected.

²⁸ The reference “cuius superioribus fecimus mentionem” regarding Petrus Rainerii in chap. 30 of the Miracles does echo chap. 22 of the Life by Johannes; see “S. Dominici Sorani,” 281.

prepared a new edition of the "Vita auctore Alberico," BHL 2244.²⁹ Lentini convincingly rejected the possibility that BHL 2241, the *vita* written by Johannes, might be the text presupposed by BHL 2242, not only because several citations in the Miracles text do not have echoes in 2241,³⁰ but also because of a broader issue: the Miracles repeat certain events also told in Johannes's work, sometimes with different details.³¹ Furthermore, Lentini raised serious doubts about the integrity and authorship of BHL 2241, which singled out for emphasis Dominic's foundation at Trisulti.

As Lentini discussed the identity of the Life to which Alberic referred, he also addressed the question of the relationship among these texts in a broader way, beyond, in other words, a simple attempt to identify the early Life that preceded the Miracles. Lentini noted that the contents of all these texts revealed interconnections which could not be explained by the texts available. He postulated, therefore, another text, knowing from Alberic's preface that there had existed in fact an earlier Life. Lentini called this Life X and concluded that both Alberic and the original author of BHL 2241 used it in composing their texts. An interpolator modified BHL 2241 by adding material on Dominic's foundation at Trisulti and assumed the identity of the disciple Johannes to give more authority to this reworking. The author of BHL 2245 based his text on Alberic's BHL 2244 but also added materials from X. Finally X, or a reworking of X, was also used by the author of the Miracles, in addition to Alberic's Life.³²

A crucial text, however, is missing in this stemma. This is BHL 2245b, a Life of Dominic preserved in two late manuscripts which turns out to be the text presupposed by the Miracles collection. BHL 2245b and BHL 2242, considered until now two separate works, constitute in fact a single one.³³ This is proven most strikingly by the correspondence of BHL 2245b

²⁹ "La 'Vita S. Dominici' di Alberico cassinese," first published in *Benedictina* 5 (1951): 57–77; now included in MLC, 140–65. This new edition used, in addition to Monte Cassino 101 (already employed through Beattilo's copy by Bollandus) and Monte Cassino 141 (which had been known to Mabillon), another codex from the library of Monte Cassino, 110.

³⁰ For example, "Oderisius, Marsorum comes, in superioribus memoratus" (in chap. 35 of the Miracles) does not appear in 2241 (see Lentini, "La 'Vita S. Dominici,'" 147).

³¹ E.g., chap. 4 = 2241, chap. 12 (the son of Simeon from Veroli is healed in Sora in 2242, but in St. Bartholomew of Trisulti in 2241); chap. 4 = 2241, chap. 13. Particularly important, according to Lentini, is the fact that the death of the saint is described in both works, but the Miracles provide more details which are not present in 2241 (Lentini, "La 'Vita S. Dominici,'" 147–48). The Miracles' reference to the burial place "sito in Campania, in vicinia civitatis cui Sorae fecere vocabulum cuius etiam in superioribus facta est mentio," finds no echo elsewhere in the Miracles or in 2241.

³² Lentini, "La 'Vita S. Dominici,'" 152–53.

³³ Dolbeau, "Le dossier," 14–18. This had already been concluded by John Howe in his dissertation, "Greek Influence on the Eleventh-Century Western Revival of Hermitism" (UCLA, 1979), 251–53. Professor Howe is currently engaged in the completion of a mono-

to all the dangling references in BHL 2242 regarding earlier notices. It is also supported by the evidence of manuscripts that transmit these two texts as one.³⁴ Furthermore, as Dolbeau maintains, this reconstituted text must be the source for the work currently attributed to Alberic, BHL 2244.³⁵ These conclusions lead to the possibility that this longer text, and not BHL 2244, is in fact Alberic's original composition, and that the important prologue, now attached to BHL 2244, in fact belonged originally to this reconstituted work. Alberic's text (Dm) would then consist of the Prologue (currently attached to BHL 2244) + BHL 2245b (a Life of Dominic) + BHL 2242 (Miracles *in vita*; Death; Miracles *post mortem*).

Dolbeau uses two methods to support this view. First of all, he shows that several seventeenth-century antiquarians made use of a "vita prolixa" of Dominic which they attributed to Alberic, and that this work can be identified with Dm. Their attribution of this work to Alberic, however, was an erudite conjecture. The text available to them had no prologue and probably no indication of authorship. The other method used by Dolbeau is to discuss briefly the unity of style among the three different parts of Dm—Prologue, Life, and Miracles—and its similarities with the Life of Scholastica and the Passion of Caesarius written by Alberic.³⁶

I share Dolbeau's conclusion that this reconstituted text is the work of Alberic. Numerous objections, however, remain. The attachment of the Prologue to BHL 2244 in the oldest manuscript of all the recensions, for example, and its apparent absence in the tradition of BHL 2245b need further exploration. Students of Alberic's literary works have never doubted the attribution of BHL 2244 to Alberic on stylistic grounds. The sheer length of Dm when compared to Alberic's other hagiographical works, its attention to historical detail, and its emphasis on the miraculous make this piece in many ways dissimilar to the other saints' Lives authored by Alberic. I would like to explore some of these objections and to add to the evidence in support of Alberic's authorship of these two anonymous works and of their unitary origin. First, I will examine more closely the transmission of the Prologue to allow for the possibility that the ancient exemplar of 2245b-2242 contained it. I will then discuss the dating of this restored work and present an analysis of its *cursus* and style to place it within Alberic's broader hagiographic opus. Finally, I will discuss the relationship between Alberic's

graph on Dominic's activities. I thank him for allowing me to refer to his unpublished work, and for his generous advice on the history of Dominic and of this region.

³⁴ Despite some evidence to the contrary which I discuss below.

³⁵ I disagree, however, with M. Dolbeau on the details of the textual evolution. See below.

³⁶ Dolbeau, "Le dossier," 22-24.

vita and the several other pieces which make up the rich hagiographic dossier of the hermit of Sora. The establishment of the correct relationship among the various pieces of this dossier is important not only for a proper evaluation of the contribution of each to the historical understanding of Dominic of Sora, but also for a fuller appreciation of the aims of Alberic's composition. My conclusions are that Alberic, as Lentini had suggested, reworked an earlier Life which he describes in his preface as both stylistically and historically inadequate. Although this source *vita* is probably lost, its tenor can be reconstructed to a certain extent through a study of later texts which used it, Alberic's, BHL 2241, and BHL 2246. In an appendix, I also provide a new edition of the three hymns in honor of St. Dominic, whose attribution to Alberic has been questioned, and I discuss the new evidence which makes Alberic's authorship secure.

THE PROLOGUE

The telltale Prologue, setting out the author's method and written in a language and style which immediately betray the authorship of Alberic,³⁷ despite the lack of any specific authorial indication must be attached to the longer text if it is to be accepted as Alberic's original work. Yet this important Prologue is not contained in the more authoritative of the two manuscript witnesses of Dm. In fact, Dolbeau doubts that the ancient archetype contained the prologue and mentioned explicitly Alberic's name.³⁸ The Prologue's only ancient manuscript witness, on the contrary, is the oldest of the codices transmitting BHL 2244, written at Monte Cassino itself, and lending *prima facie* authority to the Prologue's attachment to the shorter text.

A full examination of the manuscript tradition of Dm, however, allows for at least the possibility that the Prologue originally may have been included in the more authoritative manuscript witness of Dm and that therefore it may also have been contained in the ancient archetype.

³⁷ Dm's Prologue is strikingly similar to the recently discovered prologue to the *Passio S. Caesarii* (= Ce; see n. 9 above). In both cases the work is addressed to a "frater carissime" (Dm 3; Ce, p. 246), and in both cases Alberic is revising an unsatisfactory text ("breuiori et inculto repperi exaratam sermone" Ce, p. 246; "lacinioso impolitoque nimis . . . sermone," Dm 1). Also in each case Alberic declares that he will use a better style ("stilo ego diffusiore atque exornatiore prosequer," Ce, p. 246; "stilo excultiore," Dm 3). Both prologues also echo the prologue of the *Vita S. Aspren* (= As; see n. 110 below), described as being "stilo diffusiori atque excultiore" (As 10, ed. Lentini, "Alberico di Montecassino," 97). See below for a discussion of the literary conventions used in the Prologue.

³⁸ Dolbeau, "Le dossier," 18, 20 n. 53.

Rome, Biblioteca Vallicelliana Codex H 18 (Gallonii V) (*R* in Dolbeau's edition) is a collection of paper quires of all sizes and of some printed pamphlets as well, which was part of the library of Antonio Gallonio, the Oratorian priest, biographer of Filippo Neri and librarian of the Vallicelliana. After his death in 1605—which establishes a *terminus ante quem* for the copying of this text—his books passed to the library.³⁹ The volume was restored and rebound in 1971. The ink has faded in places and shows through the paper in others, making the deciphering of some parts of the text problematic and even at times impossible. Furthermore, a corrector revised this text, both by filling in the blanks left by the original scribe and by altering some of the readings. The *vita* is contained on fols. 407r–412v, this last page having two blank lines at the end.⁴⁰

The title of the *vita*, written by the same hand that copied the text, is instructive: “Vita Sancti Dominici Abbatis ex Soranae civitatis Ecclesiasticis monumentis.” Thus, the scribe had copied this text from the church at Sora. A second title, “Vita S. Dominici abbatis, ordinis S. Benedicti, Cuius exemplar Sorae habetur, per Albericum eiusdem religionis monachum conscripta,” is written not on the page itself, but on a piece of paper glued to its outside margin so that it can be lifted and the original title read underneath. This second title was written by the corrector's hand, and it is the information provided by the second title that is picked up in the index to the volume.⁴¹ Very likely, the absence of an author's name in the earlier title inspired the addition of the later title. The Miracles occupy folios now numbered 413r–432v. The blank folio which now separates them from the *vita* is a later addition (see below).

The other witness is Naples, Biblioteca Nazionale, Codex Brancaccianus II.B.1 (=N).⁴² It, too, is a collection of various quires and pamphlets, including some in Greek. On fols. 315v–332r this book contains not only BHL 2245b and 2242 but also the Alberician prologue. Textual evidence—the

³⁹ On Antonio Gallonio and his bibliophile activities, see Elena Pinto, *La Biblioteca Vallicelliana in Roma* (Rome, 1932), pp. 42–44. The Bollandists referred to this manuscript as “tom. V” because this was the original shelf mark still preserved on its title page: “Vitae et Officia / Sanctorum / et Alia / Monumenta / Collecta / Ab Ant.o Gallonio Romano / Congreg. Oratorii eiusd. Urbis Presb.o / Volumen signatum lit. V / ab eodem Auctore / in suo Indice peculiari / Nunc Autem H.18 / In Nostro Indice Universali.”

⁴⁰ A. Poncelet, *Catalogus codicum hagiographicorum latinorum bibliothecarum romanarum* (Brussels, 1909), 440–42.

⁴¹ The index entry reads “Vita S. Dominici Abbatis Ordinis S. Benedicti per Albericum eiusdem Religionis monachum conscripta. Huius exemplar sorae habetur. Huius memoria habetur 22. Januarii. Pag.407.”

⁴² A. Poncelet, “Catalogus codicum hagiographicorum latinorum bibliothecarum neapolitanarum,” *AB* 30 (1911): 222.

title in *N*, which repeats verbatim the later title on *R* except for "Cuius exemplar Sorae habetur," and the running heading, "Vita Sancti Dominici Abbatis/Ordinis Sancti Benedicti," written across the tops of the pages in both *N* and *R*—indicates that *N* was copied directly from *R*.⁴³ The Naples manuscript was part of the library founded by Cardinal Francesco Maria Brancaccio (1592–1675) of Naples.⁴⁴ An erudite and book collector, Brancaccio spent many years in Rome while he was having difficulties with the Spanish rulers of his homeland. It is possible to assume, then, that he acquired a copy of this text while there, and that it was thus that this work became part of his library which he would bequeath to Naples.

Since *R* is the source of *N* and has greater authority, and since *R* does not contain the important Prologue, one must ask whether *R* ever contained it and whether *N* could have copied it from *R*.⁴⁵ The pagination of *R*'s quire which contains BHL 2245b and 2242 indicates that some leaves are missing before fol. 407r, on which the *vita* begins. There is a possibility, therefore, that *R* contained the Prologue in a folio which has fallen off. It is not at all certain, however, that *N* could have copied the Prologue from *R*.

The pages which contain the Life and Miracles of St. Dominic in *R* have two paginations: the more recent one is the consecutive pagination for the entire codex, which, as noted above, is made up of all sorts of pamphlets (some of them printed) bound together. This is the pagination followed

⁴³ The most cogent reasons for this conclusion are based on textual comparison. Thus, in addition to the steady agreement between *R* and *N* illustrated by Dolbeau's *apparatus criticus*, and particularly *N*'s use of *R*'s corrections, one can add the following: (1) On fol. 408r of *R*, the word *Aventinum* must have been written out originally but cannot be made out because the page is damaged (the word is supplied from BHL 2243). *N*'s scribe did not copy this word, clearly because he could not. (2) A similar example is *R*'s senseless word *propha* (?) on fol. 411v (omitted without critical note in Dm 113). Again, *N*, not being able to make it out, simply skips it. (3) Some marginal notations in *N* indicate that they were copied from *R*. Among these are the note "Borelli" in the margin of *R*'s fol. 413v (referring to *Brenlin*), which is repeated in the margin of fol. 323r of *N*, and the note "mendose legebatur columbas" in the margin of fol. 318v of *N* (note that *N* did not follow, however, the earlier correction of "columbam" into "columnam," also noted in *R*'s margin). The possibility that it was *R* which was copied from *N* can be rejected out of hand for the following principal reasons: *R* indicates very clearly that its source was a book from Sora; *R* has a *lectio* marking ("Lectio III," fol. 410v) which the scribe scratched out. No such marking occurs in *N*. Clearly this indicates, again, that *R*'s scribe was copying from a liturgical book in which the text was divided for reading. *R*'s scribe did not mean to copy the *lectio* markings; he slipped up once but he erased it.

⁴⁴ See the article by G. Lutz in *Dizionario Biografico degli Italiani*, vol. 13 (Rome, 1971), 774–76.

⁴⁵ Dolbeau says that *N* got the prologue from a modern copy of Monte Cassino 101 ("Le dossier," 20 n. 53), without further specification.

in Poncelet's description. The folios containing Dominic's Life and Miracles are numbered 407–32. The second pagination is the older one and it applies only to this quire; at times it has been crossed out, but it is still legible in most places. This pagination goes from 42 (where the *vita* begins, recto) to 67 (where the miracles end, verso). All preceding 41 folios and any which might have been after 67 are missing.⁴⁶

The later set of pagination reveals that the quire containing these works was already defective when this more recent pagination was executed. The folio immediately preceding the *vita*, which begins on fol. 407r in the later pagination, in fact, is numbered 401 and contains a *Passio S. Aureae Virginis*. The folio following the end of the Miracles of Dominic (on fol. 432v) is numbered 445 and contains readings "ex officiis Ecclesiae Ravennatensis" (in the same hand which wrote the Miracles). Fol. 406 *has* survived but has been bound between fols. 412 and 413. It is the blank page which separates the *vita* from the Miracles, but 406 is clearly written on it and we can assume that it was bound there by mistake at some time.⁴⁷ Fol. 406 did not belong to the quire containing the works of Dominic, however, since it shows *no trace* of the earlier pagination as the other folios containing these texts do. All that can be concluded, therefore, is that when the later pagination was executed, the present fol. 406 (bound between the present 412 and 413) preceded the *Vita S. Dominici* but it appears not to have been part of the original quire which contained the Dominic texts.

The fact that the blank folio which is currently bound between Life and Miracles in the Vallicelliana codex has lately been inserted, as well as the evidence of an earlier pagination which reveals no break between Life and Miracles (confirmed by the copy of the Vallicelliana now at Naples), clearly indicates that also in the Sora codex the Life and the Miracles were written as one single text.⁴⁸

More importantly, however, it is possible that old fol. 41, no longer surviving, might have contained the Prologue. If this was the case, then the possibility exists that *R*'s exemplar, the Sora Codex, contained it also.⁴⁹

⁴⁶ It should be noted that the page number of 42 has to be assumed since the glued-over paper with the second title covers it up; 43 has 408 written over it. In the following pages, the scribe did not attempt to write over the new page numbers but simply scratched them out.

⁴⁷ It is possible that it had been bound there earlier, since the page number 406 has been crossed out, but it appears certain that this hand which wrote 406 is the same hand which wrote the rest of this latter pagination.

⁴⁸ Dolbeau, "Le dossier," 20 n. 54, notes that this blank folio—whose nature is not discussed—gives the Miracles "une autonomie apparente."

⁴⁹ The Prologue with a title could have occupied the *recto* side of fol. 41 and some of the *verso* side, as the Prologue is made up of 296 words and fol. 407r containing the

One wishes that *N*'s Prologue provided clear evidence of its origin. Unfortunately, no certain conclusion can be reached on whether *N* could have copied the Prologue from *R*. *N*'s Prologue is related to a copy of BHL 2244 preserved in a late manuscript. Codex 91 of the Biblioteca Alessandrina of Rome is a three-volume legendary for January and February put together by Costantino Gaetano. It is a gathering of various paper booklets, two of which contain BHL 2244.⁵⁰ Ultimately, the first copy (=S1) must go back to Monte Cassino 101, perhaps through an intermediary.⁵¹ The second copy (=S2) was very likely copied from the first,⁵² but it was then corrected (S2²) by a hand which appears to be the same as the main scribe. The Prologue transmitted by *N* is identical to that transmitted by the corrected version of the Alessandrina Codex.⁵³

There is no certain way to conclude whether *N* copied the prologue from S2² or whether the scribe corrected S2 using *N* or *N*'s exemplar. In favor of the former conclusion there is the clear evidence provided by a marginal note that the scribe of *N* (or of his exemplar?) had access to BHL 2244.⁵⁴

beginning of the *vita* is made up of 285 words plus the title. The rest of fol. 41v would have been left blank. Fol. 412v has about two lines blank: the Miracles start on the next page. The title of *R* could be taken as marking the beginning of a work, suggesting that this was always the opening, not the conjectured Prologue. However, as the rubric "ex Soranae Civitatis ecclesiasticis monumentis" indicates, this cannot be the title of the Sora exemplar. Furthermore, it is very possible that the Sora exemplar contained a separate title for the Prologue and another one for the *vita* proper, as is very common in hagiographic texts. *R*'s title then may be a modification of the Life's title as it appeared on the Sora codex.

⁵⁰ Poncelet, *Catalogus*, 135–42. Rome, Biblioteca Alessandra 91 also contains BHL 2241 and 2243.

⁵¹ See pp. 317–18 below.

⁵² Alternatively, both were copied from the same exemplar, for S1 and S2 have an almost identical text, including some "errors" peculiar only to them, e.g., "solis per diem" (2244 31); "indicatum" (for "intimatum," 2244 35); "mundo" (corrected to "orbi" in S2²; 2244 51), etc.

⁵³ The Prologue as transmitted by *N* and S2² presents the following variants when compared to Monte Cassino 101 and S1. It is to be noted that the corrections in S2, except for one, make the text of the Prologue closer to Monte Cassino 101 but that not all variants from Monte Cassino 101 were corrected in S2:

<i>S1, S2</i>	<i>S2², N</i>	Monte Cassino 101
memorie	memorie	memorieque
egisti	egistique	egistique
spatium	exitum	exitum
actorum	gestorum	gestorum
om. se	add. se	om. se
asseruerunt	asseruerunt	iam meruerant

⁵⁴ In the margin of fol. 317v, right next to Dm 32 ff., he noted, but then scratched out, "aliud text. a nonnullis enim repertus . . .," which is 2244's reading. This suggests that the scribe did not at first realize that his own text would have this information later.

Furthermore, the marginal notes in *N*'s Prologue are the same as in *S2*, but, while they continue in *S2* throughout the rest of the text, they stop soon after the Prologue in *N*, suggesting that they originate with *S2*.⁵⁵ In favor of the latter conclusion, one might adduce that no other surviving exemplar except for *N*—or its source—could have served as the model for the corrector. Monte Cassino 101 is the only ancient copy of the Prologue in the BHL 2244 tradition; all later copies of BHL 2244 ultimately go back to it. But in three cases *S2*² and *N* differ from Monte Cassino 101. In two of these, the corrector let the text of *S2* stand and did not correct to conform to Monte Cassino 101;⁵⁶ in the other instance, it is the correction which actually makes the text in *S2*² and *N* different from Monte Cassino 101.⁵⁷ *N*'s Prologue, in conclusion, does not bring any decisive evidence to the questions of the Prologue in *R*.

Another major piece of evidence which could be brought to argue against the inclusion in the Sora archetype of Alberic's Prologue is the fact that the Italian translation of the Life of Dominic published by Gasparo Spitilli in 1604⁵⁸ does not contain the Prologue. However, Spitilli did not use the Sora exemplar, despite the title of his book which adds, "... estratto dal Latino originale, che si conserva nella Chiesa di Sora . . ."; instead he used *R*. This is made clear by a comparison of his translation with the text as transmitted by *R*. Spitilli, in fact, translates the text as corrected (*R2*),⁵⁹ almost

⁵⁵ The title is the same in both *S2* and *N*, but in *S2* another title below the existing one has been scratched over so thoroughly that it cannot be read any longer.

⁵⁶ These are "memorie" vs. "memorieque" of Monte Cassino 101; "asseruerunt" vs. "iam meruerant" of Monte Cassino 101. But this last reading is problematic. It should be noted that the text of the Prologue in Monte Cassino 101 must have been faint in place. For example, the words "gestorum" and "iam meruerant" appear to me to have been traced over. See n. 121 below. I believe that the hand which copied, corrected, and annotated *S2* may be Costantino Gaetano's as it appears in the two samples offered in Ruyschaert, "Costantino Gaetano," plate III a, b.

⁵⁷ *S2*² and *N* add "se" to read "habere se notitiam." It might be useful here to summarize the dates of these manuscripts: *R* was copied before 1605, *N* before 1675 (but Brancacciano was in Rome principally in the 1630s), and *S* before 1650 (Gaetano's death). It should also be noted that the *vita* part itself of 2244 in *S2*² has a few corrections as well but they all make the text conform to the reading of both Monte Cassino 101 and *N*.

⁵⁸ *Vita di S. Domenico da Fuligno, Abbate dell'Ordine di S. Benedetto. Estratta dal Latino originale, che si conserva nella Chiesa di Sora, e data in luce per il Padre Gasparo Spitilli di Campi della Compagnia di Giesù; per ordine di Monsignore Giustiniano Orsini* (Rome, 1604). Dolbeau does not indicate clearly whether he thinks that Spitilli used *R* or the Sora exemplar. In "Le dossier," 19, Dolbeau says that Spitilli's translation was executed from "une copie sans prologue, analogue à *R*," but then on p. 37 n. 5 he adds that Spitilli "... s'était contenté de traduire à la fois le texte et la variante marginale de *R* . . ."

⁵⁹ For example, "vicino al fiume" (p. 10): cf. *R*, "iuxta flumen Auentinum" where "Auentinum" has been scratched out by *R2* (fol. 408r) and cannot be read except for some fragmentary letters; "Arrossirono a questo dire" (p. 16): cf. *R1*, "ascribentesque" which has

without exceptions.⁶⁰ On occasion, he also uses notes added in *R*'s margin.⁶¹ Gasparo Spitilli, born in Campili in 1561, entered the Jesuit novitiate in Rome in 1584. He spent the rest of his life in Rome, as archivist to the order's general, and he died in 1640. It is not surprising that he should have copied *R*, which was in Rome well before 1605.

While Spitilli used the Vallicelliana copy, Lodovico Iacobilli, a layman from Foligno, used several manuscripts and several versions for his *Vita di S. Domenico Da Foligno* published in 1645,⁶² including BHL 2241, BHL 2243, and Alberic's longer version from Sora. Iacobilli declared in his preface that he has "di persona visitato li luoghi eretti dal Santo; e visto le scritture, e gli antichi Codici, che ne trattato [*sic*], e l'altre memorie, che forse per il passato non se n'haveva notitia" (p. 4). Iacobilli cites Alberic's work first in his list of sources and declares that it is "conservata nell'Archivio di Monte Cassino, e un'antica copia nella chiesa d'Atino [a small town near Sora], e un'altra nella Catedrale di Sora" (p. 5). However, he never cites from the Life at Monte Cassino, but only from the other two. There is no reason to doubt that he in fact used the sources he cites, although he also uses Spitilli. Iacobilli does not refer to Alberic's Prologue. It is not possible, therefore, to ascertain whether any of the versions available to him contained it.⁶³

been corrected to "erubescencesque" above the line by *R2* (fol. 410v); "di Borello Malore . . . appresso Sangia . . ." (p. 13): cf. *R1*'s "Sangrum" corrected to "Sangiam" by *R2*. (See Dm 34, 87, 61.) As is to be expected, Spitilli translates *R* even in places where *R* is corrupt. Thus, because *R* reads "iuris" rather than "uiris" (Dm 11), Dominic's father is turned into a "legista" by Spitilli (p. 7) and by Iacobilli who often follows him. Again, because *R*, fol. 407v, reads "quasi diui Amonis" rather than the correct "quasi dei Amonis" (Dm 15), Spitilli does not understand Alberic's etymological explanations for "Petra daemonis" and instead translates "d'un santo, che si nominasse Ammone" (p. 8). These examples could be multiplied.

⁶⁰ One case in which Spitilli follows *R*'s original reading rather than the corrector's is on p. 11: "Ma le domeniche, e l'altre feste" follows *R*'s "dominicis seu festiuis diebus" (fol. 408v) rather than the corrector's "Dominicus festiuis diebus" (Dm 46). The original reading, however, is quite visible under the correction.

⁶¹ For example, on p. 7, Spitilli wrote, ". . . cognominato Curasero, Cuiasero. . ." *R1* here reads "Curaseri," while *R2* added "vel Cuiaseri" in the margin (fol. 407r).

⁶² Lodovico Iacobilli, *Vita di S. Domenico Da Foligno Abbate dell'Ordine di S. Benedetto* . . . (Foligno, 1645). Iacobilli's work was known to Mabillon ("Vita S. Domenici," 355), even though Mabillon attributed it to the bishop of Sora, Felice Tamburrelli, to whom it is in fact dedicated; it was also known to Bolland, who refers to Iacobilli in *Acta Sanctorum*, 3d ed., Ian. III, p. 55, but cites "Libro de Divis Fulginatibus" as the title. Since the January volumes of the *Acta sanctorum* appeared in 1643, it is likely that Bolland was referring to another of Iacobilli's works, *Vita de Santi e beati di Foligno* . . . (Foligno, 1628). Lentini also knew Iacobilli's work (Lentini, "S. Domenico sorano e Montecassino," 168–70 and n. 6).

⁶³ On page 37, he refers to "in Proemio vitae S. Dominici Ab." but quotes from Alberic's introduction to the Miracles. Iacobilli's citations cannot always be trusted. On page 62, for example, he must be quoting "Io. Paulus Monachus Costantius in Discriptione Ducati Alviti" and not Alberic.

The existence of Alberic's original text in Atina is further confirmed by an unpublished history of the church of Atina written by the local historian Marcantonio Palombo in the early seventeenth century.⁶⁴ It was in fact while preparing an edition of Palombo's text that I first realized that Palombo had available to him a version of Alberic's Life of Dominic different from the one published by Lentini.⁶⁵ Palombo furthermore tells us that this text which he consulted was written "character longobardico," by which he meant Beneventan script, and that it was included in Atina's ancient legendary. Palombo's history does not indicate whether the Atina text contained the prologue and any indication of authorship. Palombo was familiar with the *Chronicle* of Monte Cassino, and his attribution of the Life to Alberic may depend on that. His evidence is important, nevertheless, because it is a witness specifically to the Beneventan script of the exemplar at his disposal, a fact not mentioned by Iacobilli.⁶⁶ It is possible, furthermore, that the Atina copy may have been made from a Monte Cassino model, as the ties between the Church of Atina and Monte Cassino were strong in the twelfth century and many texts copied into Atina's ancient lectionary came from Monte Cassino.⁶⁷

The most important conclusion which can be drawn from a study of the two manuscripts preserving Dm and from the testimony of the antiquarians is that there were at Sora and Atina, and perhaps also at Monte Cassino, medieval copies of the longer text which included both the Life and Miracles

⁶⁴ Palombo's work (Vat. lat. 15184-15187) will be published in *Studi e testi*; I am preparing the edition with Herbert Bloch, who discovered the manuscript. Beside the *Ecclesiae Atinatis Historia*, these volumes contain also Peter the Deacon's treatment of the saints of Atina. Palombo's discussion of Dominicus is found in Vat. lat. 15185, fol. 73r-v.

⁶⁵ It was also indications by Palombo which led me to investigate the history of the text of the *Annales Casinenses* ("Eine unbekannte Fassung der Annales Casinenses," *Deutsches Archiv für Erforschung des Mittelalters* 43 [1987]: 81-109) and the *Vita S. Secundini* ("On the Authorship of the *Inventio et miracula S. Secundini* [BHL 7553b and 7553d]," *AB* 106 [1988]: 323-32). This present article is the final member of the trilogy occasioned by information provided by Palombo.

⁶⁶ On some occasions—e.g., pp. 27-28—Iacobilli is referring to BHL 2241 despite his citing the Atina text. Rather than assuming interpolations (see Dolbeau, "Le dossier," 32 n. 87), I would suggest further examples of Iacobilli's carelessness.

⁶⁷ Alberic's original version may also have been available to Giovan Battista Mari, canon of S. Angelo in Pescheria in Rome. In his edition of Peter the Deacon's *De viris illustribus*, published in Rome in 1655, Mari writes in his note to the chapter on Alberic, "In Vita sancti Dominici . . . per nostrum Albericum descripta, apud vir. clar. Bollandum tom. II, sub die 22 Januarii, nonnulla desiderantur, quae ex nostro ms. exemplari suppleri possent . . ." (PL 173:1032). Mari gives no examples of the "missing portions," but no other Life of Dominic attributed to Alberic contains additional material to that of BHL 2244 except Dm. Dom Luigi Tosti's *Della vita di S. Domenico abate* (Naples, 1855) relies heavily on Iacobilli directly and not on his sources, despite Tosti's citations of Iacobilli's manuscript sources. Tosti also used BHL 2244 (e.g., p. 29 = 2244 45-49) and not Dm.

of St. Dominic, attributed by the antiquarians to Alberic. It is also possible from the evidence presented so far to posit that the Prologue associated with the shorter text, BHL 2244, was once part of the longer text in the Vallicelliana manuscript and, therefore, of its model, the Sora codex. It must be granted, however, that there is no positive evidence to support this conclusion.

The contents of the Prologue, on the other hand, indicate most conclusively that it is a more fitting opening for the restored text than for BHL 2244. The very beginning (Dm 3) states the objectives of the writer: "ortum uitam mortemque Dominici, et de miraculis quaeque potissima, stilo excultiore et labem mendacii nesciente, apicibus memoriaeque mandarem." Certainly this corresponds to Dm which in fact treats the origins, life, and death of Dominic, *and* the miracles arranged broadly in the order listed in the Prologue.⁶⁸ BHL 2244, the text to which this prologue has been traditionally attached, also treats "the origin, life, death, and miracles" of the abbot of Sora. The miracles, however, are few, they are interspersed within the narration, and they are told before the death of the saint, which constitutes the final episode of this text. BHL 2244 does not conform to the order described in the Prologue as well as Dm, where the Miracles occupy such a substantial part of the narrative. In addition, the Prologue emphasizes in several ways the miracles performed *after* the death of Dominic. The author tells, for example, how Dodo insisted that they visit the tomb together ("ut locum tecum illius sepulturae adirem," Dm 3). He also describes how the monks of Dominic's monastery near Sora brought people to recount to these visitors the healing miracles performed at the tomb of the holy man ("qui se ad sancti uiri tumultum contestatione propria diversis astruebent malis uoletudinibus liberatos," Dm 9). Is not such emphasis consonant with the restored text whose entire last section in fact consists of miracles in which the tomb of the saint plays the major role? In BHL 2244, on the other hand, this final section is completely missing and there is no account whatsoever of *post mortem* miracles.⁶⁹

⁶⁸ The *in vita* miracles precede the death account; but the far more numerous *post mortem* miracles come after.

⁶⁹ Two episodes in Dm appear as exceptions to the general organization of the work. The first is the story of the boy from Castro, Leo, who is healed by water used by Dominic to wash his hands (Dm 57). This story was not segregated along with the other *in vita* miracles, perhaps because Alberic knew clearly when it happened. Another, less likely reason might be that this miracle is performed without Dominic's knowledge, since the water had been stolen. The other exception is the account of Dominic stopping a falling beech tree with his hand (Dm 115). This short episode seems out of context in Dm, but BHL 2241, chap. 10, recounts an episode which may constitute the original version of the story (in which Dominic stops a falling rock). Another point should be made here which relates to

Also in its rhetorical use of *topoi* recognized as commonplace in Latin prose prefaces since antiquity⁷⁰ the Prologue belongs more properly with the longer text, for these commonplaces reverberate in the text of BHL 2245b and 2242, but not in BHL 2244. The author introduces the ancient *topos* of the request, for example, to shift the responsibility for initiating the work to "Dodo frater carissime" who almost by force persuaded him to write ("frequenti importunaque a me tandem precum extorsisti instantia . . .").⁷¹ This theme is picked up at the end of the account of the miracles (Dm 397) where the author hopes that he has fulfilled his confrere's request ("fraternis nos uel annuisse precibus . . ."), a phrase which is a clear echo of the Prologue. The *topos* of veracity and the concomitant emphasis on trustworthy sources was long familiar to Alberic, for it is explored at great length in hagiographic works.⁷² Throughout the Prologue the writer seeks to emphasize the veracity of his account, by describing his informants as men who had been schooled by Dominic himself and from whom he had learned the *mera veritas* (Dm 3) which he opposes to the mendacity of the earlier text. Among them is the abbot Benedictus, who appears in the Miracles described in strikingly similar terms ("reuerendumque abbatem Benedictum, Dominico tam sanguine quam sanctitate propinquum," Dm 3; "Benedictus reuerendus abbas, Dominico et sanguine et sanctitate propinquus," Dm 350 [chap. 33]).⁷³ More immediately the words of the Prologue "personarum idonearum testimoniis credibilibus" (Dm 4) are repeated at the end of chap. 13 of the Miracles, which introduces the *post mortem* miracles ("per idoneos testes sunt comperta," Dm 215), as well as at the end of BHL 2245b, which introduces the lifetime miracles ("per testes fideles

the organization of the work into four parts ("ortum vitam mortemque . . . et de miraculis quaeque potissima"). There are events which might be termed "miraculous"—those involving prophecy, for example, or the miraculous feeding after the snow storm—that are not included among the miracles occurring *in vita* but are interwoven in the narration of his life. Perhaps it was because they did not involve illness or healing, which constitute the unifying theme of all the *in vita* and *post mortem* miracles with one exception, Dm 143–45, in which Dominic secures for Imela the birth of a son.

⁷⁰ See Tore Janson, *Latin Prose Prefaces: Studies in Literary Conventions* (Stockholm, 1964), particularly pp. 116–24 on requests and dedications, and pp. 154–55 on brevity, with reference to earlier studies.

⁷¹ Dm 3. Alberic uses this convention also in the *Vita S. Aspren* where almost the same phrase is used with a much greater flourish ("instanti importunitate importunaque instantia," As 10, ed. Lentini, "Alberico di Montecassino," 96).

⁷² Most notably in the *Dialogues* of Gregory the Great and in the homonymous work which Abbot Desiderius wrote with Alberic's own help.

⁷³ Lentini has already pointed out the similarity of this description of Abbot Benedict of Sora and the description of Benedict in Alberic's homily on Scholastica (Lentini, "La 'Vita S. Dominici,'" 151).

et *idoneos comperta*"),⁷⁴ and finally by the words of the apologetic ending, "relatione *fidelium personarum*" (Dm 395).

Another common theme—that of brevity—is presented at the end of the *vita*, when the writer introduces the miracles performed during the saint's lifetime with the words "per Dominicum exhibitis signis scripturus *paucissima* . . ." (Dm 136). Similarly, the miracles which occurred *post mortem* are concluded by an acknowledgement of the claims of brevity when moderation, the size of the book, and the comfort of the reader impel the writer to stop ("Verum et omnis demenda nimietas, et libro modus competens adhibendus, et lectoris est euitandum fastidium," Dm 396). This theme which also joins BHL 2245b and 2242 together is introduced in the Prologue as well, when Alberic levels a charge of verbosity against the previous Life characterized as being written "lacinioso impolitoque nimis . . . sermone" (Dm 1).⁷⁵

The three parts of this work—Prologue, Life, and Miracles—appear thus knit together by Alberic, the master of rhetoric, through the use of common literary *topoi*, confirming that the Prologue was written for the longer text, and not for BHL 2244, which fails to echo these literary conventions.

THE EVIDENCE SUPPLIED BY DATING

A chronological study of this work should address two questions: when was it written? and, were the three parts composed at the same time?⁷⁶

The Prologue states that the author was writing when monks were still alive who had known Dominic and who had been trained by him ("sub

⁷⁴ Dm 136. These verbal echoes are also discussed by Dolbeau, "Le dossier," 22.

⁷⁵ I take the word *laciniosus* here to mean "verbose, redundant" as used particularly in Jerome. See n. 161 below for a further discussion of this word. Given the length of this text, however, and the repetitive nature of some of the miracles in particular, it is difficult to accept that Alberic was doing anything more than simply following a convention in using the theme of brevity. The specific language used by Alberic here (particularly his choice of the word *fastidium*) recalls that of numerous other writers. See Gertrud Simon, "Untersuchungen zur Topik der Widmungsbriege mittelalterlicher Geschichtsschreiber bis zum Ende des 12. Jahrhunderts," pt. 2, *Archiv für Diplomatik* 5/6 (1959/60): 82–88, with earlier citations. In the case of the *Vita S. Aspren*, the opposite goal was undertaken, namely to lengthen an earlier text so as to provide nine readings for the Office.

⁷⁶ Lentini, for example, had dated BHL 2242 to post-1090, which, if true, would make this reconstituted work much later than the 1060s, the period to which BHL 2244 has generally been dated (Lentini, "La 'Vita S. Dominici,'" 148–50). Sofia Boesch Gajano believes that the miracle collection was written in the 1060s ("Santità di vita, sacralità dei luoghi: Aspetti della tradizione agiografica di Domenico di Sora," *Scritti in onore di Filippo Caraffa*, Istituto di storia e d'arte del Lazio [Anagni, 1986], 187–204, esp. 199 n. 37). Many who have worked on Alberic's style and *cursus* have placed BHL 2244 in the earlier group of hagiographical works.

disciplina olim educatos Dominici," Dm 3). Furthermore, one of Alberic's main informants is Johannes, now "senex grandaeuus fermeque decrepitus, ore prae uetustate dentibus uacuato balbutiens," who had joined Dominic's following "in annis adhuc puerilibus" (Dm 7). In other words, Alberic is writing the preface toward the end of the generation which followed Dominic, who died in 1031 at approximately eighty years of age. Although none of these disciples of Dominic can be identified in the *vita* as being alive, someone else is who in fact belongs to the same generation. This is Oderisius, the count of the Marsi, whose encounter with the saint when still an "adulescens" is recounted in great detail in Dm 77 ff. This same Oderisius, no longer a count and in his old age, is now, at the time of writing, a monk at Monte Cassino. Thus one can find a general indication of contemporaneity between Prologue and *vita*.

A similar continuity can be established between Prologue and Miracles. The Prologue identifies the current abbot of Sora as Benedictus (Dm 3). The Miracles mention only two abbots, Johannes (Dm 296), the abbot who must have succeeded Dominic,⁷⁷ and Benedictus (Dm 350).⁷⁸ No other abbot is mentioned in the Miracles. Given the richness of episodes and characters presented, it is hard to believe that if there had been any other abbot he would not have made an appearance to lend further credibility to the miraculous powers of Dominic, as Johannes and Benedictus do. There seems to be, therefore, general chronological concordance among the three parts of this work.

The most recent dating has placed Alberic's restored work shortly after 1060.⁷⁹ Internal evidence, however, shows that Dm must have been written after 1067.

The Oderisius who appears so vividly in two long episodes of Alberic's Life and Miracles of Dominic (Dm 71 ff. and 370 ff.) can easily be identified with Oderisius II, count of the Marsi, son of Berardus II, father of, among others, Oderisius I, abbot of Monte Cassino (1087–1105), Trasamundus, a

⁷⁷ He is mentioned in several charters dating to the period between 1033 and 1043. See Dionigi Antonelli, *Abbazie, prepositure e priorati benedettini nella diocesi di Sora nel medioevo (secc. VIII–XV)* (Sora, 1986), 218–22 and 374–75, as cited by Dolbeau, "Le dossier," 35 n. 2, who ignores, however, that Abbot Johannes also appears in Dm's *post mortem* miracles, and that by necessity he must have preceded the contemporary Benedictus.

⁷⁸ Abbot Benedictus *floruit* in the 1060s: See G. Pierleoni, "Per la storia della badia di S. Domenico di Sora," in *Per Cesare Baronio: Scritti vari* (Rome, 1911), 661–63. His description in the Miracles is very similar to the one used in the Prologue, as has been pointed out above.

⁷⁹ Dolbeau, "Le dossier," 28 ("peu après 1060") and 20 ("la date . . . ne peut guère être abaissée au-delà de 1060–1065"). Dolbeau, however, does not consider the evidence provided by the correct identity of Count Oderisius.

monk of Monte Cassino who was abbot first of S. Maria in Tremiti and later of S. Clemente a Casauria and bishop of Valva (fl. 1070s), and Atto, bishop of the Marsians and later of Chieti.⁸⁰ This must be why Alberic includes his children, when he lists all the blessings conferred upon him by divine providence. Only Alberic's Life contains these episodes, suggesting that the writer had great interest in this individual as well as in the counts of the Marsi in general. Their involvement in the history of the abbey is amply illustrated by the Cassinese *Chronicle*. Alberic's newly recovered work provides new evidence on the activities and demise of Oderisius II's father, Berardus II; it also supplies us with the name of Berardus's wife (Doda) and reveals that Oderisius retired to Monte Cassino, where he was during the writing of Dm.⁸¹ This is important material for the still schematic understanding of the expansion and dynastic history of the powerful family of the counts of the Marsi, who claimed descent from Count Berardus the Frank.

Since Oderisius met Dominic while still an *adulescens* and before the founding of Sora's monastery of which Dominic was abbot supposedly for twenty and one-half years (BHL 2241, chap. 33), one could suppose that the meeting occurred around 1010 and that Oderisius was born at the earliest in 995. The latest date in which he appears as count is 1067.⁸² We must assume, therefore, that he joined the monastery after that.

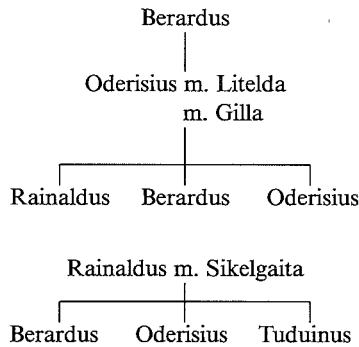
In this connection, however, a difficulty must be eliminated. H. Müller, in his *Topographische und genealogische Untersuchungen zur Geschichte des Herzogtums Spoleto* (Greifswald, 1930), provides three additional instances in which Oderisius would appear, in 1074, 1075, and 1077. If this is correct, one would have to postpone his arrival at Monte Cassino by ten years, and thus delay the composition of Dm as well. From the passages in question, the first two from the Farfa *Regesto*, the other a charter published in Muratori's *Antiquitates*,⁸³ the following genealogical trees can be constructed:

⁸⁰ For all these people, see the "Index of Persons" in Bloch, *Monte Cassino* 3: 1464–1516. The counts of the Marsi's genealogy is particularly difficult to unravel. There is no need even to consider the possibility that this Oderisius could be the abbot of Monte Cassino (1087–1105), not because of his dates (the grounds on which Dolbeau, "Le dossier," 45 n. 24, dismisses this possibility), but because his wife and children are expressly mentioned in Dm 78. The Bollandist editor of 2241 and 2242 had already tentatively identified this Oderisius with the father of Abbot Oderisius I ("S. Dominici Sorani," 320 n. 1).

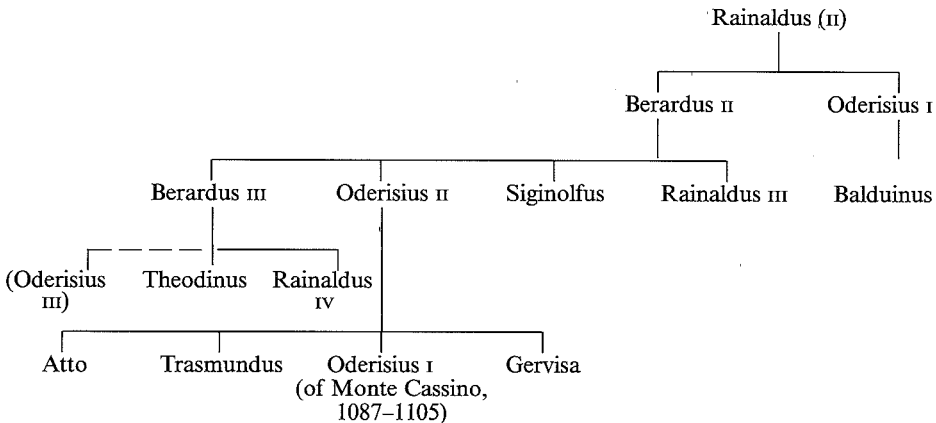
⁸¹ For a treatment of the unusually large number of lay monks who entered Monte Cassino at the end of their lives, see Heinrich Dormeier, *Montecassino und die Laien im 11. und 12. Jahrhundert*, Schriften der MGH 27 (Stuttgart, 1979), 9–11, and the discussion in Herbert Bloch's review of this book in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 68 (1982): 494.

⁸² Bloch, *Monte Cassino* 2: 731, 824–25.

⁸³ *Il Regesto di Farfa di Gregorio di Catino*, ed. I. Giorgi and U. Balzani, 5 vols., (Rome,



The following is a simplified genealogical tree which I construct using the indexes of Bloch, *Monte Cassino*:



1879-1914), 5:18-19; Ludovico Antonio Muratori, *Antiquitates Italicae medii aevi*, 6 vols. (Milan, 1738-42), 5:817 (cf. 6:493):

a. "1074 . . . Constat nos oderisium filium quondam Berardi comitis, et berardum et oderisium filios quondam rainaldi, et liteldam uxorem suprascripti oderisij comitis, et sikelgaitam quae iam fuit uxor suprascripti rainaldi, quoniam omnes nos insimul ex natione francorum . . . pro mercede ac redemptione animae rainaldi et berardi filiorum suprascripti comitis, et gillae uxoris suprascripti oderisij comitis . . ." (*Il Regesto* 5:18).

b. "1075 . . . Constat nos oderisium comitem filium quondam berardi comitis, et berardum et tuduinum et oderisium germanos fratres filios quondam rainaldi, cum sighelgaita matre nostra . . . de rebus nostris quas habemus infra comitatum reatinum. . . . De uno latere res ipsorum comitum qui sunt de comitatu marsicano . . ." (*Il Regesto* 5:19).

c. "... ab incarnatione ejusdem . . . Anno MLXXVII. Mense Madio, Indictione XV. Ego Oderisius Comes, filius Berardi Comitis ex natione Francorum, qui sum habitator in Ducatu Spoletonio in territorio Furconensi in Castello Colomonti . . . pro . . . redemptione animae meae, et animae Gallae uxoris meae, et filiorum meorum Rainaldi et Berardi et Oderisii" (Muratori, *Antiquitates* 5:817).

Müller takes the Berardus of the charters above to be Berardus II, and his son Oderisius to be Oderisius II, and Rainaldus the son of Berardus II. If one accepts Müller's hypothesis, one would have to accept that Oderisius II had two children both named Oderisius (one the abbot of Monte Cassino, the other the Oderisius named in the documents of 1074 and 1077). This does not seem plausible.⁸⁴ I suggest that the Oderisius of the charters is in fact the son of Berardus III, i.e., the nephew of Oderisius II. Less important for the present purposes is the identity of Rainaldus, whom Müller identifies with Rainaldus III. It would, however, fit better with the conclusions above to identify him with Rainaldus IV, who would be the brother of the Oderisius of the charters. To others "l'ardua sentenza"!

Based on the correct identification of Count Oderisius, who last appears in official documents in 1067, one can assume, therefore, that the *vita* was being written not long after that. Thus, 1067 can serve as a *terminus post quem*.

The other precise internal indication which helps in the dating of this work is that Leo, bishop of Sora, had been dead (we are not told for how long) when the Miracles were being written (Dm 373). Leo was dead by 1059,⁸⁵ so this provides an earlier *terminus post quem* for the Miracles consistent with the *vita*.

The Bollandist editor dated the Miracles shortly after the middle of the eleventh century because of "citata virorum nomina vel facta aliunde nota."⁸⁶ This dating has been supported by more recent scholars and for similar reasons. Lentini, on the contrary, led by his belief that BHL 2244 cannot depend on the Miracles, wanted to date them later than the mid-1060s, the generally accepted date for the composition of BHL 2244, and even established a *terminus post quem* of 1090 for the Miracles. In support of this late dating he adduced two reasons. The first is that Herasmus, the beneficiary of a miraculous healing in the Miracles, is referred to as follows: "tunc presbytero, postmodum vero Signensi episcopo" (Dm 348). This suggested to Lentini that Herasmus is dead; otherwise rather than "postmodum" the writer would have used "nunc" or some similar word. If one accepts this argument, the date of composition of the Miracles would have

⁸⁴ For Müller's tree, see *Topographische und genealogische Untersuchungen*, 70, 71. Note that Müller lists Balduinus as a son of Oderisius II, an affirmation discussed on p. 67, although we know both from Monte Cassino sources (see Bloch, *Monte Cassino*, indexes) and from Alberic's Dm 75 that Balduinus was the son of Oderisius I, the nephew of Berardus II, and hence the cousin of Oderisius II.

⁸⁵ Pietro Fedele, "I vescovi di Sora nel secolo undecimo," *Archivio della Reale società romana di storia patria* 32 (1909): 325–26.

⁸⁶ "S. Dominici Sorani," 280; and see *ibid.*, n. 3.

to be placed after 1071 when Herasmus was present at the consecration of the Cassinese basilica under Alexander II.⁸⁷ The other reason adduced by Lentini is that Leo, bishop of Gaeta, is not specifically said to be alive in the events recounted in this same chapter of the *Miracles* (Dm 347), and we must therefore conclude that he is dead. Leo was dead by 1090 when he was succeeded by the Cassinese Rainaldus.⁸⁸ I do not believe, however, that there is any reason to conclude from this account that Leo is dead; on the contrary, the words used to strengthen the veracity of this passage based on Leo's account ("Leo . . . ore protestatus est proprio") might suggest just the opposite, that is, that the author heard these words himself, although this conclusion is too uncertain to establish 1090 as a *terminus ante quem*.

In conclusion, therefore, one can say that the broad chronological indications provided by the contents support the integrity of the whole work; there are no chronological inconsistencies among the three parts. Furthermore, the specific historical indications provide a *terminus post quem* of 1067, perhaps 1071 if one accepts Lentini's argument about Herasmus. This *terminus post quem*, furthermore, is consistent with the fact that people were still alive at the time of composition who had known the saint and had even been instructed by him. But there is no certain *terminus ante quem*, unless one accepts that Leo spoke to Alberic himself. Since Alberic describes Dominic's disciples who served as his informants as quite old, a date of composition in the late 1060s or early 1070s would, I think, be very likely. It is at this time, in fact, that Dominic's ties to Monte Cassino were being materially established through the abbey's acquisition of two of the saint's monastic foundations. In 1067/69, S. Pietro del Lago and di Prato Cardoso (in today's province of L'Aquila in the Abruzzi), whose founding is recounted in Dm 38 ff., is given to Monte Cassino by Theodinus and Oderisius, counts of Valva, and Bernardus, son of Berardus.⁸⁹ In 1069, S. Pietro di Avellana, founded in 1026 at the behest of Borrellus Maior (Dm 61–62), was given by Borrellus the Younger to Monte Cassino.⁹⁰ It has been pointed out that Alberic knew details contained in the foundation charter of S. Pietro del Lago,⁹¹ and that therefore the writing of Dm should be dated to the period after these donations, when Dominic was being incorporated into the greater "family of saints" of St. Benedict's house.⁹²

⁸⁷ Lentini, "La 'Vita S. Dominici,'" 149 and n. 33. See also "S. Dominici Sorani," 318 n. 2.

⁸⁸ Lentini, "La 'Vita S. Dominici,'" 149–50 and 150 n. 35.

⁸⁹ Bloch, *Monte Cassino* 1:338–39. See n. 15 above as well.

⁹⁰ Ibid. 1:362–64.

⁹¹ Dm 41: "quinque lacus praedicti comites concessione perpetua, legali scriptione firmarunt."

⁹² Howe, "Greek Influence," 255–56.

This dating of Dm agrees perfectly with the one arrived at through a study of the internal evidence.

THE *CURSUS* AND STYLE

In their study of Alberic's hagiographical works, both Lentini and Engels, as well as others, have remarked on the widespread use of rhythm in Alberic's prose.⁹³ Alberic's use of the *cursus* has broader implications because of the controversy surrounding its introduction in the usage of the papal chancery, supposedly, by John of Gaeta, a pupil of Alberic of Monte Cassino and the future Gelasius II. Most recently, Tore Janson has shown that *cursus* was observed at the papal chancery *before* the arrival of John of Gaeta in August of 1088 at the court of Urban II. With the election of Urban in March of 1088 and particularly with the arrival of John of Gaeta later that year, however, a new kind of *cursus* appears in the chancery whose most salient characteristic is the extraordinary dominance of the *cursus velox*. The *cursus tardus* preferred by earlier popes is now in second place, followed by *planus* in third place. It is likely, then, that John was responsible for emphasizing the use in the papal chancery of this more "au courant" form of *cursus*.⁹⁴ Where did John of Gaeta learn this *cursus*? Here Janson rejects the opinion of earlier scholars that he had learned it from Alberic of Monte Cassino, because a study of Alberic's *Flores rhetorici* yields the conclusion that Alberic did not use *cursus* here.⁹⁵ Janson theorized that John may have learned the *cursus* before he came to Monte Cassino, perhaps while still at Salerno.⁹⁶

Whatever the reasons may have been for the absence of *cursus* in the didactic *Flores*, it has long been known that Alberic did use *cursus* in all his hagiographical works. My survey confirms Alberic's development in the

⁹³ Lentini discusses the use of *cursus* in all his editions of Alberic's works; see also Engels, "Alberich von Montecassino," 40.

⁹⁴ Tore Janson, *Prose Rhythm in Medieval Latin from the 9th to the 13th Century*, Studia Latina Stockholmiensia 20 (Stockholm, 1975), 60–63. This new type of *cursus* in which the *velox* predominates had become very popular in both northern Italy and France in the course of the eleventh century, according to Janson. In my study, I shall use the statistical approach of internal comparison developed by Janson, which is clearly superior to the more informal, subjective methods of earlier editors. See n. 106 below.

⁹⁵ Ibid., 67–68. Janson is adamant in this conclusion based on only one work of Alberic, a didactic work, in which *cursus* was not as important as it was in more public pieces: "And if he [i.e., Alberic] did not use the rules himself, it is of course extremely unlikely that he taught them" (68). Again on p. 77, Janson says, "... as we have seen above, Alberic did not use it [i.e., *cursus*]."

⁹⁶ Ibid., 68.

use of a *cursus* strikingly similar to the one employed by John of Gaeta, and it helps to establish Alberic's own position within the development of *cursus* usage outlined by Janson himself.⁹⁷

An initial difficulty in the division of this text into clauses arises from the absence of an ancient manuscript witness of Dm. The purpose of medieval punctuation was by and large to help in reading aloud, and imposing modern grammatical usage may be anachronistic.⁹⁸ The next best thing, to follow *R*'s punctuation since it may be copied from an ancient source, is also problematic because a comparison of *R* and Monte Cassino 101⁹⁹ in those sections where the text is the same shows immediate disagreement. One must conclude, therefore, either that *R* is following the ancient model and that there was a variation in punctuation practice, or that *R* is not following its ancient model. As *R* does not appear to follow a consistent practice, one cannot discern which is the case,¹⁰⁰ and *R* cannot be used as the absolute standard. In my study, therefore, I have divided the clauses according to grammatically independent units. Following the lead of Monte Cassino 101, I have avoided considering compound sentences as one clause, even if joined by a conjunction,¹⁰¹ and I have treated independent relative clauses as full clauses. The only exceptions have been consecutive clauses (often *tricola*) closely tied by meaning as well as grammatical construction, which have thus been kept together. Although this is not an ideal solution, it seems best under these imperfect circumstances. Furthermore, as this is Alberic's longest hagiographical text, the statistical significance of a mistake is diminished.¹⁰² As a result of these practices, my clause division varies from Dolbeau's text.

⁹⁷ The usage of *cursus* at Monte Cassino is a topic which must be studied systematically by applying Janson's method. Janson's conclusions (p. 68), for example, that there is no real evidence of *cursus* at Monte Cassino before John except for the short *Vita S. Christinae* by Alphanus of Salerno is clearly contradicted by my conclusions and the earlier ones of Lentini and Engels, among others. Alberic used *cursus* even in his youthful *Vita S. Caesarii*. See pp. 314–15 below.

⁹⁸ See François Dolbeau, "Recherches sur les œuvres littéraires du pape Gélase II: A. Une Vie inédite de Grégoire de Nazianze (BHL 3668d), attribuable à Jean de Gaète," *AB* 107 (1989): 95–96, for a discussion of this problem.

⁹⁹ For Monte Cassino 101, see pp. 317–18 below.

¹⁰⁰ *R* and *N* also disagree often on punctuation, a reflection of scribes' habits.

¹⁰¹ E.g., Monte Cassino 101 uses a full stop followed by a capital letter at BHL 2244 15–16 (= Dm 15–16).

¹⁰² Cadence often cannot be taken as a guide in determining where a clause should end, since Alberic used internal rhythm as well. Another issue which deserves study is Alberic's use of metrical clauses in addition to the accentual ones which we are considering in this study, following Janson. Using an adaptation of Janson's statistical method, I found that in fact Alberic also employed metrical *cursus*, confirming Lentini's studies. However, further exploration and examination of this subject is needed. At Monte Cassino during this time, there was a revival of classical meters, some of which Alberic himself used.

While mine results in 431 clauses, Dolbeau's text yields 398, or about 10% fewer clauses. Much of this difference can be explained by the different ways in which we treat relative clauses.¹⁰³ Another major source of difference arises from my considering direct speech as subject to the same clause divisions.¹⁰⁴ In some cases, however, our division is different because of my effort to keep *tricola* intact.¹⁰⁵

The results of the computation of desired cadences at the end of clauses are summarized in the following chart. The "Expected Frequency" indicates how many clauses of a particular cadence one would statistically expect to find in this work, while the "Observed Frequency" indicates how many are actually found. Hence, the higher the discrepancy between what would be normally expected and what is actually observed in the text, the higher the degree of preference for that cadence by the author. The "Percent" column indicates the percentage of a cadence among all clauses in the text.¹⁰⁶

Type of Cadence	Observed Frequency	Expected Frequency	Percent
<i>velox</i> pp 4p	172	94.31	41.35
<i>tardus</i> p 4pp	77	32.96	18.51
<i>planus</i> p 3p	73	35.38	17.55
TOTAL			77.41
pp 5pp	8	4.10	1.92
TOTAL			79.33

¹⁰³ Thus, for example, in Dm 61 ("... construxit monasterium apud Sangrum, quod... Sancti Petri de Avellana uocatur, quod coenobium Borrellus magnifica terrarum satique liberali muneratione ditauit"), I place a new clause break at "quod coenobium..." with the result that "Auellana uocatur" is considered a *cursus planus*. In fact, in almost all cases where I place a break a favorite cadence is found. See, however, the preceding note for a *caveat*.

¹⁰⁴ In Dm 391, for example ("... uoce leni uerba ista subintulit: Sanus es, Adam, sanus es"), I place a break after "ista subintulit" (*cursus tardus*).

¹⁰⁵ For example, in Dm 82-83 ("Venitur post haec ad Dei hominem, praesentatur ei exenia a comitissa directa. Et oblata quidem uir Dei cum gratiarum reditione accepit, sed cur non offerent omnia quae comitissa direxerat, a baiulis protinus perquisiuit"), I divide the clauses instead as follows: "... praesentantur ei exenia a comitissa directa, et oblata quidem uir Dei cum gratia rum reditione accepit (*cursus planus*). Sed cur non offerent..." In Dm 9, I follow Monte Cassino 101 which results in an additional clause ending ("... ualeitudinibus... liberatos. Verum de his hactenus"). Of the 431 clauses, following common practice, I have eliminated 14 from my statistical study because they contain enclitics or are verbatim citations or incomplete clauses.

¹⁰⁶ Janson's scheme is based on the probability of the last two types of words (defined according to their accent) in a clause occurring together (this being based on the computation for the probability of a particular type of word occurring in next-to-final and final position). Thus the *cursus velox* is marked as pp 4p in this approach (i.e., a proparoxytone word followed by a four-syllable paroxytone); the *tardus* is marked p 4pp (i.e., a paroxytone

All cadences other than these four have an expected frequency equal to or greater than their observed frequency. Only the above cadences, in other words, were sought out by Alberic. These figures indicate a striking use by Alberic of the *cursus velox* which occurs in Dm in more than 40% of all clause endings. The *cursus tardus*, at 18.51%, is a very distant second, while the *planus* is a close third. These three cadences constitute 77.41% of all clause endings. When one looks furthermore at the expected frequency of these cadences and compares them to the observed frequency, Alberic's preference for *cursus* endings is even more striking.¹⁰⁷

If the figures for the *vita* (Dm 1–136) and Miracles (Dm 137–398) are separated and compared, the results can be summarized in the following percentages:

	<i>Vita</i>	Miracles
<i>velox</i>	40.26	42.10
<i>tardus</i>	18.31	18.65
<i>planus</i>	18.91	16.41
TOTAL	77.48	77.16

As these figures show, Alberic followed the *cursus* quite evenly throughout this entire work, but it was particularly in the Miracles section that he was free to indulge in his taste for the *velox* (at the expense of the *planus*). The reason is easy to understand: the more historical section of the *vita* placed greater constraints on him in his choice of words than the more descriptive Miracles.

One should also note in this survey the remarkable preference for the odd cadence pp 5pp. It occurs eight times. Although this does not appear extraordinary given the frequency of the three main categories, pp 5pp occurs almost twice as much as statistically expected. This is the only other cadence whose observed frequency exceeds the expected one. The conclusion must be that Alberic sought it out. John of Gaeta, according to Janson, exhibited the same preference for the odd pp 5pp.¹⁰⁸ Alberic shares another char-

followed by a four-syllable proparoxytone); the *planus* is marked p 3p (i.e., a paroxytone followed by the three-syllable paroxytone). For a full explanation of this method, see Janson's work, particularly chap. 3 and Appendix 2.

¹⁰⁷ It should also be noted that, since in fact Alberic preferred these cadences, their expected frequency will be higher than it would be if he had not preferred them. See Janson, *Prose Rhythm*, 26–27, for further discussion of this statistical flaw.

¹⁰⁸ Janson noted how both John of Gaeta's works and the papal letters of this time show a preference for the abnormal ending, pp 5pp: "If John had put his fingerprint on the documents, it would not have been more obvious" (ibid., 62).

acteristic with John of Gaeta in his avoidance of the heterotomous variants pp 3pp and pp 2.¹⁰⁹ Clearly, Alberic's use of *cursus* in Dm and that of John of Gaeta exhibit striking similarities.

When the above results are compared with those obtained from a study of the other hagiographical pieces of Alberic, one finds that this work has stronger similarities with the Lives of Caesarius (Ce) and Scholastica (Sc) than with those of Modestus (Mo) and Aspren (As).¹¹⁰

Type of Cadence	Percentages				
	Ce	Dm	Sc	As	Mo
<i>velox</i>	30.84	41.35	35.57	28.57	16.33
<i>tardus</i>	23.38	18.51	15.38	16.66	18.37
<i>planus</i>	20.39	17.55	30.76	16.66	12.24
TOTAL	74.61	77.41	81.71	61.89	46.94

According to these figures, Ce, Dm, and Sc form one group, while As and Mo form another. As and Mo are the most rhetorical of the hagiographical works of Alberic, full of such overblown language and extraordinary feats of rhetorical exhibitionism that modern readers are repelled by them.¹¹¹ In these two works, Alberic followed the *cursus* less adamantly, because rhetorical demands and their fulfillment dictated his choice of words and their arrangement. The other three Lives, on the contrary, followed the

¹⁰⁹ Ibid. Pp 3pp has an expected frequency of 10.25 and an observed frequency of 10 in Dm. Pp 2 has an expected frequency of 8.2 and an observed frequency of 5. The expected frequency, however, is "weighted" toward the high side because pp as a first word is highly favored as part of the *velox* cadence.

¹¹⁰ *Vita S. Scholasticae virginis* (BHL 7522), ed. Anselmo Lentini, "L'omilia e la vita di S. Scolastica di Alberico cassinese," in MLC, 115–37; *De S. Aspren neapolitano episcopo* (BHL 725), ed. Lentini, "Alberico di Montecassino," 96–108; *Passio S. Caesarii* (BHL 1514), edited in *Bibliotheca casinensis* III, Florilegium casinense, 150–58; see n. 9 above for its preface; *Passio S. Modesti levitae et martyris* (BHL 5983d), ed. A. Poncelet in AB 51 (1933): 369–74. Alberic was also Desiderius's partner in the composition of the *Dialogues*, even though his role is mentioned neither in the biographical entries of the *Chronicle* of Monte Cassino nor in the published version of chap. 21 of the *De viris illustribus*; see Meyvaert, "Alberic of Monte Cassino or St. Peter Damian?" 180–81 and n. 3. *Cursus* is not observed in the *Dialogues*. I have followed the punctuation of these texts as edited, and there might be, therefore, inaccuracies. My figures are different, in some ways, from Engels, "Alberich von Montecassino," 40. As Engels does not explain his method, I cannot determine all the reasons for our different results. One is clear: Engels uses a cadence for the *velox* different from the one generally accepted.

¹¹¹ See, for instance, Bloch, "Monte Cassino's Teachers," 596–97. Lentini, "Alberico di Montecassino," 91, calls As "uggiosa."

“middle” style, as Alberic himself informs his readers.¹¹² Here, therefore, he was freer to follow the *cursus*, which he did to a very striking extent already in what must have been his earliest work, composed at the age of thirteen. In this work, Ce, Alberic follows a more “old-fashioned” *cursus*, in which the *velox* is not so overbearing, and the *tardus* is a respectable second. In Dm a more developed use of the *velox* and an increased role of the *planus* compared to the *tardus* is exhibited. Finally, the Sc piece, while still exhibiting a strong preference for the *velox*, now employs the *planus* almost two times as much as the *tardus*, which is relegated to a distant third place.

Alberic’s use of rhythmical prose as manifested in these hagiographical works follows the development of the *cursus* during this time. In the later eleventh century, a general trend to favor the *velox* more than the other forms appears. In the course of the twelfth century, the strong dominance of the *velox* continues, while the *tardus* becomes less and less favored and comes to be replaced by *planus*.¹¹³ In addition, the use of heterotomous variants ceases. These occur rarely in Alberic’s works, and in Sc they do not occur at all. Alberic’s use of *cursus* in these pieces confirms the similarity in style among Ce, Dm, and Sc on the one hand, and As and Mo on the other. Furthermore, these pieces reveal not only that Alberic was an avid user of *cursus*, but also that he followed the most up to date fashions in this field, which, in fact, he might have helped to set himself.

Not only in the use of rhythmical clause endings and literary conventions but also in the employment of other stylistic and rhetorical features, Alberic’s *Vita Dominici* reflects its author’s intent to create a literary product. The particular qualities of Alberic’s style which have been discussed by many scholars are amply evident in Dm.¹¹⁴

One of the most striking characteristics of this work’s organization is the constant intervention by the author to mark the progressive stages in his narrative following rhetorical customs going back to Aristotle. Thus Alberic concludes the prologue with “Verum de his hactenus” (Dm 9). Similarly in the *vita*, after Alberic has interrupted the flow of his narrative to recount some miraculous events, he returns to the narrative proper with another marker (“Haec autem acta sunt,” Dm 59) which helps the reader

¹¹² “Stilum in hoc opere figurae sum mediocris prosecutus,” Dm 10. The prologue of Ce explains the “middle” style as follows: “non usque ad eam locutionis figuram quam gravem nuncupant oratores” (p. 248). On the “middle” style, see also Hoffmann, *Die Chronik*, pp. xii–xvii; and idem, “Stilistische Tradition in der Klosterchronik von Montecassino,” in *Mittelalterliche Textüberlieferungen und ihre kritische Aufarbeitung*, Beiträge der M.G.H. zum 31. Deutschen Historikertag (Munich, 1976), 29–41.

¹¹³ Janson, *Prose Rhythm*, 104.

¹¹⁴ See n. 3 above for treatments of Alberic’s style.

resume the thread of the story more easily. Another interruption to include, proleptically, the bad end of Petrus Rainerii, who disobeyed Dominic's orders after the saint's death, is also clearly marked.¹¹⁵ The beginning of the miracles performed *in vita* is announced by an entire sentence (Dm 136). Likewise, a similar marker is posted at the beginning of the episode of his death (Dm 203). Another one follows naturally to introduce the *post mortem* miracles (Dm 215), and still another at the end of the entire work. This marking of a progression in a narrative or argument is widely used in all of Alberic's writings.¹¹⁶

While the Life of Dominic does not exhibit the pervasive climactic arrangement of words seen in the much more rhetorical *Vita S. Aspren*,¹¹⁷ it employs throughout a sort of "logical climax" expressed in a tricolon, such as when the monk Johannes, realizing that Dominic will soon die, admonishes him "acceleret reditum, maturet regressum, festinet fratrum congregationi se reddere" (Dm 205); or, in the resolution of a miraculous cure, "tumor effluit, dolor euanuit, homo sanatus est" (Dm 360).

Antithesis and wordplay are also characteristic of Alberic's style. Numerous examples are found in the present work, such as in 31 ("meditationem legis domini soli per dies metiebantur") or 159 ("et absentem carperent et praesentem uerbis mendacibus lacerarent") or 189 ("qui multis venerat causa mali . . . magis profuturus multis rediret").¹¹⁸

Anaphora, compounded at times with synonymy, another common stylistic figure in Alberic's works, is frequent in Dm, as, for example, in 159 ("Non defuere inter ista Dominico aemuli, non defuere qui . . ."), or 257 ("ita clarum, ita vulgatum . . ."), or 259 ("ut decorum, ut pulchrum, ut

¹¹⁵ "Sed hoc uno quod post mortem contigit sancti serie quasi praeopostera dicto, nunc ad uiuentis adhuc gesta expedienda reditum faciamus" (Dm 134).

¹¹⁶ See Engels, "Alberich von Montecassino," 41–42, for parallelisms in other Lives; and particularly Radding and Newton ("Alberic of Monte Cassino's Answer"), who point out that this linguistic habit is in fact "a personality trait," a "habit of neat and tidy categorizing. . . ." A similar habit by which again the writer seeks both to mark and to unify the stages of his narrative is the use of a rhetorical question such as "Quid tantis?" (Dm 24) which is found in various forms throughout this text, particularly in the Miracles (e.g., 187, 241, 289, 366) but also in the *vita* (24) and as well in other works of Alberic: e.g., Mo, chap. 5, "quid plura?"; As 40, "Quid pluribus?"; Ce, p. 152b, "quid in his pluribus?" (all cited by Engels, "Alberich von Montecassino," 42 and n. 33); and in addition, Sc 26.

¹¹⁷ E.g., As 107: "de bonis ad potiora, de potioribus . . . ad potissimum."

¹¹⁸ For similar usages in other hagiographical works of Alberic, see Engels, "Alberich von Montecassino," 39–40. For other examples of word play in Dm, see 240, "auditrix . . . relatrix . . . pertracta . . . pertrahere," or 316, ". . . obtutibus obtulerunt." See Radding and Newton, "Alberic of Monte Cassino's Answer," and Engels, "Alberich von Montecassino," 39 for similar examples. Engels also singles out, as particularly favored by Alberic, the use of words with the same ending but of different cases. It is exhibited, for example, also in Dm 212: "certum tenuerunt omnes ad migrantis solacium de caelis angelum destinatum."

praecipuum fieret, omnem artis solertiam, omnem laboris diligentiam adhiberet”), or 267 (“... pannum tamen iterum accipit, iterum abluit, iterum soli exsiccandum exponit”).

BHL 2244 AND 2245¹¹⁹

The text of BHL 2244 survives completely or in part in nine manuscripts.¹²⁰ The text of all these, however, goes back to Monte Cassino 101 (=A in Lentini’s edition), except, perhaps, for Vallicelliana G 98, about which more will be said later. The text as published by Bolland and Mabillon also depends on A.¹²¹

Monte Cassino 101 has been generally dated to the end of the eleventh century and could be contemporary, in other words, to Alberic, or written shortly after his death.¹²² Francis Newton, who has been engaged in a thorough study of Cassinese manuscripts of this period, suggests that perhaps this was one of the codices produced in the 1090s for the dedication of St. Martin’s church.¹²³ This codex has been described as a *lectionarius* and a *homiliarius*. In the text on Dominic, the notation “lectio VIII” in the

¹¹⁹ See pp. 291–92 above for a discussion of Lentini’s treatment of these texts.

¹²⁰ Montecassino 101 and 110 and Rome, Biblioteca Vallicelliana G 98, which are ancient witnesses and will be discussed below; Montecassino 566, 570, and 618 (s. xvii), which are later Cassinese copies of BHL 2244 (the former two are described in Mauro Inguanez, *Codicum Casinensium Manuscriptorum Catalogus*, 3 vols. [Monte Cassino, 1915–41], 3:239–41, 243; the latter is not described in Inguanez’s catalogue, which reaches 600, but it was used by Lentini in his edition of Dominic’s hymns [see Appendix below]; Rome, Biblioteca Alessandrina 91, from Gaetano’s collection, which contains two copies of this text and is discussed above, p. 298; and Rome, Biblioteca Casanatense 2114 (s. xvii), described in Poncelet, *Catalogus*, 264–65.

¹²¹ A collation of the Casanatense text, Bolland’s, and Mabillon’s reveals that the Casanatense text and Bolland’s derive from the same copy, which must be considered Beatillo’s copy of A. The similarities between Bolland’s text and Mabillon’s are so close that one is to assume that Mabillon’s is simply a reprint of Bolland’s. All three texts have two short lacunae in the preface (“gestorum”; and “iam . . . obtulere”) which might suggest their going back to a manuscript other than A. These lacunae are expressly indicated suggesting that Beatillo had noted a lacuna or a problem here. As one looks at A, one can see that these words have been traced over. When Beatillo made his copy, he could not read the faded ink which somebody later wrote over. See n. 56 above.

¹²² E. A. Loew, *The Beneventan Script: A History of the South Italian Minuscule*, second edition prepared and enlarged by Virginia Brown, 2 vols. (Rome, 1980), 2:66–67, with references to earlier works. See also Inguanez, *Catalogus* 1:109–11, for a full description of the contents.

¹²³ In any case, it could not possibly be earlier than 1075, nor later than 1100, according to Newton. I am grateful to Professor Newton, who communicated this information to me by phone. On the whole, Newton would date this manuscript later than the Desiderian period, to which it has sometimes been assigned.

top margin was done by a hand different from the one which wrote the main text. This same second hand seems to be the one which wrote "Incipit prologus domni Alberici diaconi et monachi Casinensis in Vitam vel obitum Sancti Dominici Confessoris." The position of this addition—outside the top margin—as well as the different hand indicates that these notations were added later. The attribution of this text to Alberic, then, was written after the text.¹²⁴

The folio of Vallicelliana G 98 containing on the verso side nos. 21 and 22 *init.* of BHL 2244 is written in a Beneventan hand of the beginning of the twelfth century,¹²⁵ and was gathered by Gallonio in this book which is entirely made up of fragments taken from other books. Clearly, this leaf was taken from a liturgical codex: it contains readings from the Lives of three saints venerated on 22 January (St. Vincent, St. Dominic of Sora, St. Anastasius the Persian monk), including one reading marked "vita vel obitus sancti dominici confessoris Lectio VIII." This is not a fragmentary text since close to the end of this folio begins the reading from the *Vita S. Anastasii* (BHL 411). Because of the brevity of this text, nothing can be concluded regarding its relationship to A.¹²⁶

Monte Cassino 110 (= C) contains basically the same text as A—except for some "lacunae." It does not have the Prologue. Codicological evidence indicates clearly that C was copied from A and that these "lacunae" were intentional. In the margin on p. 494 of A, right next to the spot where C's lacuna begins, the same hand which copied C wrote "Interrumpe,"¹²⁷ and on p. 497 of A, right at the end of the line after which C resumes, this same hand wrote in "Repete." In other words, the place where to skip is clearly marked. It was not a mistake in copying but a deliberate and unsophisticated attempt to copy as much of A as would fit into a page. C is a lectionary containing readings from the first Sunday in Advent to the Octave of Pentecost. According to Francis Newton, this manuscript cannot be dated to the Desiderian period, as has been done by Loew.¹²⁸ The manuscript is Oderisian, perhaps even datable to the early twelfth

¹²⁴ A still different, Carolingian minuscule hand added the incipit of the Life proper, "vita vel obitus Sancti Dominici Confessoris. Lectio Septima," on p. 492. I believe, but cannot be certain, that the hand which wrote the Prologue incipit and "Lectio VIII" is the same hand which wrote the text in Monte Cassino 110.

¹²⁵ Fol. 25v. See Loew-Brown, *Beneventan Script* 2:130; Poncelet, *Catalogus*, 398–99.

¹²⁶ Except that it departs from it in two places: it omits "autem" (beginning of 2244 68), and understandably so; and it has "paulatim" in 69, clearly a misreading of "papulam." There is nothing here to suggest, in effect, whether or not this was copied from A.

¹²⁷ Or something very close to that (the ink is faded).

¹²⁸ Loew-Brown, *Beneventan Script* 2:68. Again, I must thank Professor Newton for his generous help in dating this codex.

century. The Dominic text is contained on one single page, near the end, written—with its neighboring pages (pp. 613–16)—even later than the main text, and marked with the indication “Lectio VIII.” Probably the scribe wanted to use up these blank pages to include readings from texts not contained in the main body of the codex.

A side-by-side comparison of the *vita* text of Dm with BHL 2244 reveals immediately the closeness between the two texts and, in fact, that BHL 2244 is a shortened version of the *vita* and parts of the *Miracles in vita* of Dm.¹²⁹ Up until no. 31, BHL 2244 follows Dm verbatim. Then, BHL 2244 skips over Dominic’s founding of the two monasteries “S. Trinitatis” and “S. Dei Genitricis” at the instigation of the magnates Credenderius and Zatterius. BHL 2244 also neglects to explain how Dominic had reached “Prato Cardoso.” Clearly, the text as preserved in *A* had a lacuna here, recognized by Lentini himself who filled it by supplying these sections from Monte Cassino 141 (see below). Then, the two texts follow each other almost literally

¹²⁹ For the reader’s convenience I provide a schematic correspondence of these two texts:

Dm	BHL 2244
1–31	1–31, 35
32–37	omits (32–34 added from Monte Cassino 141 in Lentini’s edition)
38–41	35–38
42–45	omits
46	52
47–50	omits
51–55	39–44
56	omits
57	45
58–60	omits
61	53
62	omits
63–64	54–55
65–114	omits
115	50
116	56
117	omits
118–22	57–61
123–24	omits
125–31	62–66
132–34	omits
135	51
136–52	omits
153–54	67
155–58	46–49
159–203	omits
204–14	68–80
215–397	omits
398	80

through number 38 of BHL 2244. At this point, Dm includes an entire section omitted in BHL 2244. In fact, from now on, the texts begin to deviate from each other more significantly because Dm contains details and entire sections taken out from BHL 2244. Most striking among these omissions are the episodes illustrating Dominic's gift of prophecy, the miracles *in vita* (most of which are omitted) and the miracles *post mortem* (all of which are omitted). Furthermore, BHL 2244 changes the order in which the narration develops, because its editor wanted to end his work with the death of the saint. Thus BHL 2244 nos. 46–49 anticipate events which are recounted much later in Dm, in the section concerning the *in vita* miracles. One can understand why the editor of BHL 2244 included here this miracle of the woman cured by the holy water sent to her by Dominic: because it can be connected with the healing of the boy Leo who drinks water with which Dominic washes his hands during Mass, recounted in the preceding no. 45.¹³⁰

BHL 2245 is contained in two manuscripts. Vatican City, Biblioteca Apostolica Vaticana Vat. lat. 1197, written in Beneventan script, includes Lives of martyrs and saints from December to March. It has been dated to the end of the eleventh century and its origin placed in the Abruzzi. Although there are no *lectio* markings, this very large book must have served liturgical use.¹³¹ Monte Cassino 141 was composed in the Benevento territory. Francis Newton dates it later than previous scholars by placing it no earlier than 1100.¹³² These two witnesses have minor textual variants between themselves; they could have been copied from the same exemplar.¹³³

BHL 2245 is a highly shortened text. Both Lentini and Dolbeau concluded that it is based on BHL 2244 which it seems to summarize in most places. In addition, 2245 contains episodes and details not found in 2244, but which are found in Dm.¹³⁴ But in its language 2245 is clearly closer to 2244 than

¹³⁰ 2244 52 is a sentence of a long episode narrated in full in Dm 45–50 but missing completely, except for this one sentence, in 2244. Since in 2245 the sentence is contained in the same order as in Dm, one might conclude that it has been copied out of sequence in 2244. See n. 134 below.

¹³¹ Loew-Brown, *Beneventan Script* 2:143; Pierre Salmon, *Les manuscrits liturgiques latins de la Bibliothèque Vaticane*, vol. 4, Studi e testi 267 (Vatican City, 1971), 51 (no. 154); M. H. Laurent, *Codices Vaticani Latini 1135–1266* (Vatican City, 1958), 119–23. It was given to the Vatican library by the Canons of Valva and Sulmona.

¹³² I thank Professor Newton for this communication. See Loew-Brown, *Beneventan Script* 2:71; and Dolbeau, "Le dossier," 28 n. 76. The subscription on p. 1 says, "liber sancti nycolai turre pagane" (Benevento). It is not complete at the beginning or at the end.

¹³³ Neither could have been copied from the other, since each has a short lacuna, Monte Cassino 141 in 60 and Vat lat. 1197 in 74. This text remains unpublished. I have assigned it clause divisions to correspond to Lentini's edition of BHL 2244.

¹³⁴ BHL 2245 can be described as follows in comparison to 2244 (the clause numbers are those in Lentini's edition of 2244):

to Dm. To explain this three-part relationship one may suppose that 2245 is directly dependent upon 2244 with interpolations from Dm (as Dolbeau believes) or X (as Lentini postulated),¹³⁵ or one may suppose that both 2244 and 2245 are independent reworkings of an original abbreviation of Dm for liturgical purposes which is no longer in existence. I believe that the latter possibility is more likely. Otherwise, one would have to explain why 2245 "re-added" some episodes or details cut out of 2244 and not some others, as, for example, in the following passage:

BHL 2244 44

Mox vero redeunti in se, conspectae lucis pars aliqua, in eodem quo morabatur loco, per tempus aliquantum apparuit (ed. Lentini, "La 'Vita S. Dominici,'" 161).

BHL 2245

Mox vero redeunti in se, conspectae lucis pars aliqua in eodem commorabatur loco, per tempus aliquantum apparuit, eamque visionem, quibusdam sibi familiarissimis referens, exegit ab eis, ne cui quoad ipse viveret eandem visionem manifestarent (Vat. lat. 1197, fol. 133v).

Cf. Dm 55–56

Mox uero redeunti in sese, conspectae lucis pars aliqua in loco quo morabatur per temporis aliquantum apparuit. Quam uisionem cum tribus fratribus tam aequiuocatione nominis, quae eis Iohannes erat, quam religionis parilitate unitis

omits 1–10 (Prologue)

11–16

omits 17

19–22

omits 23

24–27

omits 28

29–31

contains 32–34 (missing in 2244 but supplied in Lentini's edition)

35–38

contains material found in Dm 42–45 (missing in 2244)

52 (= Dm 46)

omits 39

40

omits 41

42–44

contains material found in Dm 152 (missing in 2244)

45–51

53–80

¹³⁵ Dolbeau, "Le dossier," 27; Lentini, "La 'Vita S. Dominici,'" 141–42.

retulisset, mirabilibus ab eis exorcismis exegit, ut quoad ipse in carne uiueret, nulli ultra uiuentium uisio innotesceret (ed. Dolbeau, "Le dossier," 42).

More significantly, 2245 preserves the phrase "Comedebat . . . pinguedinis condimento" (= 2244 52) in the order in which it appears in Dm (46). In 2244, on the other hand, this sentence has been moved to a later spot in the sequence of events, perhaps because the editor was puzzled by the function of these words, which in Dm's original context had been to introduce the miracle of the heavenly feeding of Dominic, now missing from his exemplar. He thus found a new context for this phrase by adding to the statement of Dominic's saintly life (2244 51). It seems simpler to conclude that the abbreviation of Alberic's original text as now represented in *A* and its copies is not complete. Just as the text of 2244 in *C* is a disjointed version of the text contained in *A*, so it is very possible that the text contained in *A* is an edited version of what might be called the original or "ur-2244" which included, in addition to what is already in *A*, the episodes and details preserved in its summary 2245 and perhaps more. BHL 2245 suggests, in other words, that there must have existed a version of an abbreviated text without the several lacunae now contained in *A* and its family.

Could the original abbreviation, the "ur-2244" as reflected in both the current 2244 and 2245, be the work of Alberic? Lentini and Engels, through their study of style and *cursus*, never doubted that 2244 had been composed by Alberic. The date of the manuscripts in which both texts (2244 and 2245) survive certainly suggests that the "ur-2244" could have been done within Alberic's lifetime; the oldest surviving exemplar, *A*, is a product of Monte Cassino. Furthermore, the presence in *A* of Alberic's Prologue indicates that "ur-2244" may also have contained it. The title with Alberic's name, however, was added later to *A* and may have been suggested by the Prologue rather than by the text itself.¹³⁶

I believe, however, that the available evidence is weighted against the hypothesis that Alberic was responsible for "ur-2244." First of all, a study of the *cursus* of BHL 2244 and 2245 indicates that it was observed to a lesser degree here, as these percentages illustrate:

	BHL 2244	BHL 2245
<i>velox</i>	32.86	29.51
<i>tardus</i>	18.57	16.39
<i>planus</i>	15.71	13.11
TOTAL	67.14	59.01

¹³⁶ Leo of Ostia's account is closer to 2244 79 than Dm, although this conclusion is based only on the one sentence Leo wrote about Dominic in *Chronica* 2:59 (ed. Hoffmann, 283). See p. 289 above.

These figures indicate that in 2244 the three favorite cadences occurred nine percentage points less than in Dm, and in 2245 that decline is of more than eighteen points. If one examines only those clauses which 2244 modifies (i.e., if one excludes clauses which are left unchanged by 2244 or are completely new), the results are that of nineteen such clauses only ten observe *cursus*. One would expect Alberic to have kept the observance of the *cursus*, especially for a work destined for liturgical reading.¹³⁷

Finally, the nature of some of the changes in word choice or word order is inexplicable if one assumes that Alberic is the author of "ur-2244" as reflected by BHL 2244 and 2245. Why would Alberic, for example, change a word like "cacuminibus" (Dm 54) to "summitatibus" in 2244/2245 no. 43? In another example, the more unusual word "insinuans" of Dm 128 is turned into the common "enarravit" of the later texts (2244/2245 62).¹³⁸ In this same passage the more elegant phrase "sub abbate duce ac praeuio" becomes "sub regulari magisterio" (2244/2245 63).¹³⁹ BHL 2244 ("ur-2244"?) also eliminated the unusual "per internuncium" (Dm 126)¹⁴⁰ and the Graecism "pellicibus" (Dm 130).¹⁴¹ It is difficult to imagine that Alberic, the master of composition, would have sacrificed these colorful words. Even less convincingly could the elimination of the clear reference to the *Regula Benedicti* (Dm 121) be ascribed to Alberic.

Regardless of its authorship, one might very well ask what were the reasons for the creation of the "ur-2244." While not all the ancient witnesses of 2244 and 2245 contain *lectio* markings, they are all collections of saints' Lives and other homiletic material which suggest that their purpose was liturgical.¹⁴² One might conclude that the purpose was to provide a text more appropriate to liturgical functions.¹⁴³ The most striking difference between Dm and "ur-2244," as we reconstruct it, is the absence, in the latter, of many historical details and many miracles. It is easy to understand that

¹³⁷ It is, however, possible that "ur-2244" might have had a higher observance of *cursus* than 2244, as is indicated by the differences between 2244 and 2245.

¹³⁸ *Insinuare* is found in Dm 229, 241, and 328, and also in Ce, p. 152.

¹³⁹ *Praevius* is a relatively rare word. It does not occur in the Vulgate.

¹⁴⁰ BHL 2244/2245 62: "ad se protinus advocans."

¹⁴¹ BHL 2244/2245 65.

¹⁴² The *lectio* markings in Monte Cassino 110 and Vallicelliana G 98 appear to be original; in Monte Cassino 101 they were added later; Monte Cassino 141 and Vat. lat. 1197 have no markings, but the latter's contents are arranged according to the calendar.

¹⁴³ There is still some disagreement as to the exact function of legends, and particularly which, if any, were destined exclusively for reading during the Office or under other circumstances, as for example, in the refectory. See particularly Guy Philippart, *Les légendiers latins et autres manuscrits hagiographiques*, Typologie des sources du moyen âge occidental 124-25 (Turnhout, 1977; *Mise à jour*, 1985); and B. de Gaiffier, "À propos des légendiers latins," *AB* 97 (1979): 57-68, which is in response to Philippart's book.

much historical material would be excluded from a text meant for liturgical or similar reading. The absence of the Miracles would be explained particularly if this text was prepared at Monte Cassino or in some center not connected with the monastery of Sora. Since Monte Cassino 101 was very likely written at Monte Cassino in the 1090s, it seems plausible to conclude that the "ur-2244" text was prepared there for liturgical reasons some time before then. There would not have been a very strong interest in preserving material so closely connected with the saint's tomb in such a text. The evolution of hagiographical works to suit their various audiences and functions still remains to be studied, particularly for Monte Cassino, which awaits a comprehensive study of its liturgy. There is evidence, however, that the shortening of a saint's Life for liturgical purposes was not uncommon. Peter the Deacon, for example, in his monumental forgeries on the Life of St. Placidus, resorted to creating both an original longer work and a derived shorter text to be used in the liturgy, testifying to what may have been a widespread custom at Monte Cassino itself.¹⁴⁴

BHL 2241 AND 2246:
THEIR RELATIONSHIP TO ALBERIC'S RESTORED TEXT
AND THEIR WITNESS FOR THE LOST LIFE X

BHL 2241, the "Vita Auctore Iohanne eius discipulo," published by the Bollandists,¹⁴⁵ is attested by no ancient witness. It survives only in two manuscripts, Rome, Biblioteca Alessandrina 91, and Rome, Biblioteca Vallicelliana H 12, the first of which provided the copy from which the other derives.¹⁴⁶

¹⁴⁴ This example was called to my attention by Herbert Bloch, who has studied these forgeries. See, in particular, "Tertullus' Sicilian Donation and a Newly Discovered Treatise in Peter the Deacon's Placidus Forgeries," in *Fälschungen im Mittelalter*, 5 vols., MGH Schriften 33 (Hannover, 1988), 4:98 and n. 2. Another example is the *Vita Anastasii* (BHL 411) published from Cassinese manuscripts, a shortened version of a longer text which I hope to treat in a monograph now in preparation; see Carmela Virgilio Franklin and Paul J. Meyvaert, "Has Bede's Version of the 'Passio S. Anastasii' Come Down to Us in BHL 408?" *AB* 100 (1982): 377 n. 13.

¹⁴⁵ See above, p. 290 and nn. 20 ff.

¹⁴⁶ Vallicelliana H 12 is another Gallonio manuscript whose text of 2241 depends on Alessandrina 91 through a copy provided by Cardinal Baronio. See Poncet, *Catalogus*, 431-33; on Alessandrina 91, see above, n. 50. See also, Franklin, "On the authorship," 325 and n. 7. The text in Vallicelliana H 12 has exactly the same title as the one in Alessandrina 91 ("Vita et Obitus B. Dominici Confessoris de Sora per Ioannem, Ipsius Dei Viri Peregrinationis Individuum Comitem et Venerabilem Discipulum"). The pamphlet containing BHL 2241 was copied on Pentecost of 1597, as the colophon indicates: "Ego d. Iohannes Inerus presbiter cathedralis anagninensis ecclesiae scribebam festo Pentecostes die XXV maii 1597" (Alessandrina 91, fol. 337v).

The debate about the position of BHL 2241 in the stemma of the hagiographic dossier of Dominic and its value for the proper historical understanding of the hermit continues. Its Bollandist editor accepted the attribution of authorship to the disciple Johannes expressed in both the title and the final chapter, and allowed that he could be identified with the aged Johannes, disciple of the saint, mentioned by Alberic's Prologue as one of his informants at Sora. Noting the similarity between Johannes's Life and Alberic's, it was suggested that BHL 2241, or the *vita prima* as they called this text, through its compendium, BHL 2243, could be the "laciniosa vita" used by Alberic as a source. Lentini called into question the authenticity of this text. He pointed out the inconsistency between its opening in the form of a sermon and the last chapter which contains the name of the author and reads as a subscription. Noting furthermore the central position accorded in this text to Dominic's foundation of S. Bartholomaeus in Trisulti, Lentini concluded that this was a later text, concocted to emphasize Trisulti over Sora, and ascribed to the disciple Johannes to give it more authority. The similarities between 2241 and 2244 were explained by Lentini by their common dependence from X, the lost *vita*.

More recently, Sofia Boesch Gajano has affirmed the anteriority of the *Vita Johannis*, furthering earlier views that saw this text and the Miracles as a reflection of Sora's original local tradition which was then elaborated at Monte Cassino for a different audience and for different purposes.¹⁴⁷ Alberic's Life, therefore, appears to have created a "rival" tradition opposite that of Sora. These claims now seem diminished by the low position accorded to 2241 in the textual stemma constructed by Dolbeau, who considers the *Vita Johannis* basically a reworking of 2245 with the inclusion, perhaps, of local traditions from Trisulti.¹⁴⁸

Indeed, the similarities between the two texts are striking in the passage used by Dolbeau to prove the dependence of BHL 2241 from 2245.¹⁴⁹ This

¹⁴⁷ Boesch Gajano, "Santità di vita," 187–204.

¹⁴⁸ Dolbeau, "Le dossier," 27. Dolbeau's stemma is Dm → 2244 → 2245 → 2241.

¹⁴⁹ Ibid., 26. These are the passages used:

Dm 42–44: "Praelato igitur loci huius fratribus in abbatem Liuto quodam, iure consanguinitatis eidem propinquo, quem ad id officii primo satis commodum iudicauit, ad partes ipse imas montis qui dicitur Argoneta concessit, in locum cui platanorum densa frequentia Platanete indidit uetustas uocabulum. Ibique sibi cellam paruulam et in cella altare construxit, quod Sanctae Trinitatis prima uoluit appellatione censerit. Eoque loco nusquam iam discedere uolebat Dominicus, nisi cum statutis diebus paulo superius memorati monasterii congregationem curae ei erat reuisere" (ed. Dolbeau, "Le dossier," 41).

2245: "Constitutis in eo sub priore in professione monastica fratribus, ipse nichilominus solitudinem meditans, ad imas montis partes qui dicitur argometa secessit, in locum uidelicet

is the first passage in which these two texts have significant similarities. But there are differences as well. For example, 2241's phrase "ab ipsius habitatoribus nominatur" has no correspondence in 2245 but has a distant parallel in Dm's "cui platanorum densa frequentia Platanete indidit uetustas uocabulum" (42). Again, 2241's "oratorium *construxit*" recalls Dm's "cellam paruulam et in cella altare *construxit*" (43) more closely than 2245's "cellam paruulam constituens altare quoque in ea sibi constituit." Numerous other discrepancies between 2241 and 2245 and similarities between Dm and 2241 become apparent when one adds the text of Dm and 2244 to the comparison. This can be clearly seen in the second passage in which 2241 and 2245 have noteworthy agreement, the account of Dominic's miraculous vision of the rainbow column whose top touches the sky and whose bottom is grounded before him almost as if to symbolize that heaven and earth are joined by the saint:

Dm 52-56

Quadam namque nocte, dum erectis in caelum luminibus preces fundit, columnam cernit arcui caelesti colore simillimam, quae nimirum caelum uertice, imis uero partibus *cellam quam* Dominicus *incolebat* uidebatur contingere. Quam uidelicet uisionem uisum est Dei famulo intimis ac familiarissimis sibi religionis merito fratribus minime reticendam, ne uidelicet solus esset qui ex tanta uisione gratiarum Deo actiones persolueret.

Nocte quadam alia dum in cella positus de caelestibus meditaretur, lucem conspicit miram radiasse a superis, in qua nimirum luce tres fulgore similes, locis continuas, mensura pares, conspiciantur columnas, in *quarum cacuminibus* sese repente super nubes eleuatum persensit atque in ea positus specula, dictu mirabile, in ictu oculi orbem simul terrae uniuersum conspexit.

Mox uero redeunti in sese, conspectae lucis pars aliqua *in loco quo morabatur* per temporis aliquantum apparuit.

Quam uisionem cum tribus fratribus tam aequiuocatione nominis, quae eis *Iohannes* erat, quam religionis parilitate unitis retulisset, mirabilibus ab eis exorcismis exegit, ut quoad ipse in carne uiueret, nulli ultra uiuentium uisio innotesceret (ed. Dolbeau, "Le dossier," 42).

qui plataneta vocatur, ibique cellam paruulam constituens, altare quoque in ea sibi constituit. Ex eo igitur loco nusquam iam discedere volebat dominicus, nisi cum statutis diebus praefatam congregationem reuiscere procurabat" (Vat. lat. 1197, fol. 133v).

2241, chap. 3: "*Constitutis ibi postea fratribus, sub priore* illos posuit: *ipse autem solitudinem requirens*, peruenit ad locum qui Plataneta ab ipsius terrae habitatoribus nominatur, ibique oratorium construxit, atque ab eo loco numquam discedere volebat, nisi cum praedictam congregationem temporibus constitutis reuiscere procurabat."

(BHL 2244 omits this passage.)

BHL 2244 40–44

quadam namque nocte, dum erectis in caelum luminibus preces fundit, *columnam cernit* arcui caelesti colore simillimam, quae nimirum caelum vertice, imis vero partibus *cellam quam* Dominicus *incolebat* videbatur contingere. quam videlicet visionem visum est Dei famulo intimis ac familiarissimis sibi religionis merito fratribus minime reticendam, ne videlicet solus esset, qui ex tanta visione gratiarum Deo actiones persolveret. Item nocte alia dum in cella positus quaedam de caelestibus meditaretur, lucem *subito* vidit a superis radiasse *mirabilem*, in qua videlicet luce tres conspicatur columnas fulgore similes, mensura pares, locis quoque continuas. quas dum stupens admiraretur, repente se in *earum summitatibus* super nubes elevatum persensit, atque, quod est dictu mirabile, in ictu oculi orbem simul terrae universum conspexit. mox vero redeunti in se, conspectae lucis pars aliqua, *in eodem quo morabatur* loco, per tempus aliquantum apparuit (ed. Lentini, “La ‘Vita S. Dominici,’” 161).

[BHL 2244 omits the last part]

BHL 2245 40–44

Quadam igitur nocte dum inter orandum oculos ad caelum porrigeret, *columnam cernit immensam*, quae nimirum colore arcui caelesti simillima, caelum vertice, pede vero *cellam ipsius* videbatur contingere. Item nocte alia, dum in cella positus quiddam de caelestibus meditaretur, lucem *subito* vidit a superioribus radiasse *mirabilem*. In qua videlicet luce, tres conspicatur columnas, fulgore similes, mensura pares, locis quoque continuas. Quas dum stupens admiraretur, repente se in *earum summitatibus*, super nubes elevatum persensit, atque quod est dictu quoque mirabile, in ictu oculi orbem simul terrae universum conspexit. Mox vero redeunti in se, conspectae lucis pars aliqua *in eodem commorabatur* loco, per tempus aliquantum apparuit, eamque visionem, quibusdam sibi familiarissimis referens, exegit ab eis, ne cui quoad ipse viveret, eandem visionem manifestarent (Vat. lat. 1197, fol. 133v).

BHL 2241, chaps. 4–5

Quadam denique nocte cum psalmodiis intentus, omnipotenti Deo supplicaret, nocturnales hymnos praeveniando, *columnam cernit immensam*, quae de coelo descendebat, colore arcus coelestis similem qui pluviali videtur in tempore: cujus licet cacumen aethera tangere videretur, ima tamen illius pars *ad locum* usque pervenerat *in quo* Omnipotentis Dei famulus *morabatur*. Tunc laetus effectus de tanta coelitis visione, prostratus in faciem, Deo laudes in hunc modum coepit devotius decantare, dicens: “Quis Deus magnus sicut Deus noster? Tu es Deus qui facis mirabilia solus.” Interea cum sol effugatis nocturnalibus tenebris orbi more solito radiasset, vir Dei, convocato *Joanne monacho*, cujus et superius facta mentio, quid divinitus viderit, coepit simpliciter enarrare.

Alio quoque tempore, dum in cella eremi positus resideret, ac de coelestibus quiddam attentius cogitaret, *subito* circumspiciens vidit immensam lucem a superis radiasse *mirabilem*; huic autem incomparabili, quemadmodum dictum est, luci tres unius qualitatis vidit igneas inesse columnas: supra *quarum cacumen* positus cum esset in extasi, coelitus elevatus est super omnem nubium altitudinem, miroque modo nec non valde stupendo cunctum conspexit orbem terrarum, divino lumine circumfusus. Post aliquantulum vero spatii, in semetipsum reversus, partem quamdam ejusdem claritatis per unius momenti spatium *in eodem loco*, quae supersedebat, intuitus est. Gloriosus Deus in sanctis suis, mirabilis in sanctitate, faciens prodigia ("S. Dominici Sorani," 283–84).

These passages indicate that these four texts—or three, if one considers 2244 and 2245 as a subgroup—have a more complex relationship than a linear one. The similarities between 2245 and 2241 consist of "columnam immensam," "subito," "mirabilem." But the differences between 2241 and 2245, as well as the similarities between Dm and 2241 here, are clear. Dm and 2241, but not 2245 or 2244 (which omits the last part), specify the name of the companion (companions in Dm) to whom the saint confided his experience, although in slightly different contexts. 2241's phrase "ad locum . . . in quo . . . morabatur" recalls Dm's "in loco quo morabatur" more closely than 2245's "in eodem commorabatur loco." Furthermore, according to a linear stemma the reading "summitatibus" of 2245 and 2244 must be considered an "error" introduced at the 2244 level, but how is one to explain the reversal by 2241, which supposedly depends from 2245, to the "correct" reading of the ultimate source (Dm) "cacuminibus"?

The next passage which exhibits similarities between 2241 and 2245 recounts the founding of Dominic's monastery at Sora.¹⁵⁰ But, again, there are differences as well. Both 2244 and 2245 have eliminated any notice of the founding of the church of S. Trinitas on the top of the mountain Petra Imperatoris after the founding of Sora (Dm 123). This excision thus must have occurred at the "ur-2244" level. 2241 does contain an account of the founding of the S. Trinitas, but it is before the founding of Sora's monastery and thus in a sequence different from that in Alberic's text. Again the "common error" of 2244 and 2245, "pergeret," is set against the "correct" reading of Dm and 2241, "tendente/tenderet." 2241's phrase "jejunii et orationibus ceterisque spiritualibus fructibus [expiaret], et inter ceteros poenitentiae fructus" corresponds more closely to Dm 119 ("inter cetera

¹⁵⁰ Dm 118–24; 2244/2245 57–61 (these two texts are identical here except for some minor orthographical variants); 2241, chap. 22. Note particularly the phrase "Annuit libenter . . . aedificare" of 2241, which is extremely close to 2244/2245 59.

ieiunia elemosinasque profusas ceterosque dignos paenitentiae fructus”) than 2245’s and 2244’s bare “inter ceteros paenitentiae fructus.”¹⁵¹

While a departure from the linear stemma devised by Dolbeau of a word or two could be attributed to chance or scribal revision or error, the agreement between 2244 and 2245 indicates that these are in fact willful changes from Dm, and not due to scribal error.¹⁵² Therefore, one must explain the agreements between 2241 and Dm against the 2244 tradition. It must be emphasized that this agreement between 2241 and Dm is not complete: frequently these two texts convey *similar* but not *the same* information.¹⁵³ One possibility, of course, is to assume that there is contamination from Dm on the 2241 transmission. Another possibility, and the one which is supported by the evidence, is to assume that 2241 goes back to another source from which Dm also depends, the lost *vita* condemned by Alberic, or X of Lentini’s stemma. BHL 2241, in other words, is, like Dm, also based on X. Its interpolator arrived at the present text by using this basic text—X or a reworking of X—as well as 2245 in some sections, and by adding material concerning Trisulti.

This set of relationships is confirmed by adding to the comparison the last text of the Dominic dossier which so far has not been discussed, BHL 2246. This is a short fragmentary piece published in 1879 from its unique witness, Monte Cassino 146, written, according to Francis Newton, in the early twelfth century at a provincial center, not at Monte Cassino.¹⁵⁴ It is very likely that the scribe who began to copy this work did not complete his task.¹⁵⁵ This text has been generally dismissed as being simply an epitome

¹⁵¹ BHL 2244 58. The final passage in which there is strong similarity is BHL 2241, chaps. 34–5, and 2244/2245 68–80, relating the saint’s death. The agreement here is at times verbatim, indicating that 2241 must have taken this passage from 2245.

¹⁵² We cannot resolve the differences between 2241 and 2245 by postulating an intermediary text from which they both descend. Such a stemma would not explain the cases in which 2244 and 2245 have a “common error” in relation to Dm and 2241. In minor textual variations 2241 and 2245 agree against 2244 (as in “*immensam columnam*” above).

¹⁵³ There are other instances in which the Dm tradition and 2241 convey similar, but not the same, material. Cf., e.g., Dm 153 (2244/2245 68) and 2241, chap. 12 (healing of the boy from Veroli); Dm 155–58 (2244/2245 46–49) and 2241, chap. 13.

¹⁵⁴ This information was provided in a verbal communication by Professor Newton, who pointed out particularly its distinctive decoration. See also Inguanez, *Codicum* 1:232–34; and Loew-Brown, *Beneventan Script* 2:72. It has not been remarked that this legendary is arranged “per circulum anni” from 30 November (St. Andrew) to 26 June (SS. John and Paul). See n. 27 above for publication data; I quote from the manuscript directly.

¹⁵⁵ The text on Dominic begins on p. 431a (“In Sancti Dominici”) and continues to p. 433, p. 434 having been left blank. The conclusion that the copying was left incomplete, though very likely, cannot be certain because the bottom right edge of p. 433 has been neatly cut away. We cannot be sure, therefore, whether BHL 2246 ended in mid-sentence. Its beginning, “*Almificus itaque dominicus*,” suggests that the original text has a preface.

of the first three chapters of 2241, with two long exhortatory elaborations in the form of a sermon, as the following example illustrates:

BHL 2246

Constructum igitur ad honorem
domini et salvatoris nostri ihesu christi cenobio,
patrem eis constituit.
ipse vero dilecte sollicitudinis [*sic*] appetitor,
ad quendam transmigravit locum
qui proprie domus dicitur
ibique coniuncto sibi iohanne religioso monacho,
sancte trinitatis ecclesiam cepit edificare,
iuxta quam constructis tuguriundus [*sic*] singulariter
in dei laudibus morabantur (Monte Cassino 146, p. 433).

BHL 2241, chaps. 2–3

Constructo igitur ad honorem
Domini et Salvatoris nostri Jesu Christi coenobio,
patrem eis instituit.
Ipse vero dilectae solitudinis appetitor,
ad quemdam transmigravit locum,
qui proprie Domus dicitur
ibique conjuncto sibi quodam Joanne, religioso monacho,
sanctae Trinitatis ecclesiam coepit aedificare,
juxta quam constructis tuguriunculis singulariter
in Dei laudibus morabantur ("S. Dominici Sorani," 283).¹⁵⁶

As only one page was left blank, it seems plausible to conclude that only parts of the original text were meant to be included.

¹⁵⁶ The corresponding passages from the other texts are the following:

Dm 27–31: "Construxit igitur in Scandrilia Dominicus monasterium, quod Sancti Saluatoris uoluit nominari . . . quendam ipsis ex eorundem numero, Constantium nomine, statuit praeficiendum in patrem. . . . Ipse uero iuncto sibi Iohanne quodam nomine, uitae uenerabilis monacho, ad locum cui Domus uocabulum est commigravit. Vbi in monte qui Pizi dicitur, in humili tuguriolo commorantes, meditationem legis domini soli per dies metiebantur, excursu noctium in eadem partem maximam consumentes" (ed. Dolbeau, "Le dossier," 38–39).

2244 27–31: "construxit itaque in Scandrilia Dominicus monasterium, quod Sancti Salvatoris vocabulo voluit nominari . . . quendam ipsis ex eorundem numero, Constantium nomine, statuit praeficiendum in patrem. . . . ipse vero iuncto sibi Iohanne quodam nomine, vitae venerabilis monacho, ad locum cui Domus vocabulum est commigravit. ubi in monte qui Pizi dicitur, in humili tuguriolo commorantes, meditationem legis Domini soli per dies metiebantur, excursu noctium in eadem partem maximam consumentes" (ed. Lentini, "La Vita S. Dominici," 160).

2245: "monasterium in scandrilia construxit quod domini salvatoris vocabulo appellari

This similarity, however, need not be explained by assuming that 2246 is dependent from 2241. Rather, there are the remaining possibilities that 2241 depends on 2246, that 2246, in other words, is a fragment of the lost *vita*, or that they both depend on the same source, to which at times they remain extremely faithful, thus explaining this striking closeness. In fact further comparison casts doubts that 2246 is derived from 2241 as this passage from the opening, for example, indicates:

BHL 2246

Cum infans adolevisset litterarum studiis eum tradere curaverunt, in cenovio scilicet sancti silvestri quod dicitur subaseri. Parvulus itaque mirabilis indolis, infantilem etatem suam cepit senilibus antecedere moribus (Monte Cassino 146, p. 431).

BHL 2241, chap. 1

qui a pueritia, ut sacras litteras disceret, litterarum studio eum tradere omnimode studuerunt. Sed cum jam juvenilis esset aetatis, placens Deo, ut bona arbor bonos educeret fructus, in hymnis et orationibus et jejuniis persistendo, cilicio semper indutus, coepit pollere virtutibus atque miraculis ("S. Dominici Sorani," 282).

Dm 13

Traditus autem puer a parentibus in monasterio sancti Silvestri cui Curaseri cognomentum est, litterarum studiis imbuendus, coepit et uiuacitate ingenii et memoriae tenacitate et intellectus acumine eos etiam uincere qui sese transcendebant aetate (ed. Dolbeau, "Le dossier," 37).

BHL 2244 13

Traditus autem puer a parentibus in monasterio Sancti Silvestri, cui Aseri cognomentum est, litterarum studiis imbuendus, coepit et vivacitate ingenii, et memoriae tenacitate, et intellectus acumine eos etiam vincere, qui sese transcendebant aetate (ed. Lentini, "La Vita S. Dominici," 158–59).

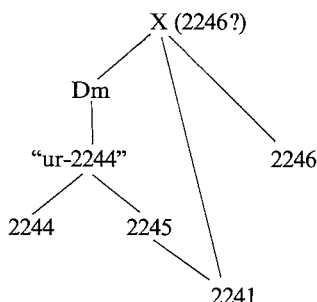
voluit. Ipse iuncto sibi iohanne quodam venerabilis vitae monacho ad locum cui domus est vocabulum commigravit, ubi in monte qui pizzi dicitur in humili cellula commorantes et die noctuque in lege domini meditantes . . . alterum in monte . . ." (Vat. lat. 1197, fol. 133r).

This passage again illustrates that 2241 cannot depend on 2245, for there is no notice here of the appointment of an abbot, the "patrem" of all the other texts. The use of the word *tuguriulum* in all the texts except 2245, where *cellula* is used, illustrates the same point.

BHL 2245 13

Traditus igitur a parentibus litteris inbuendus (Vat. lat. 1197, fol. 133r).

2246 could not have obtained the information about Dominic's youthful sojourn in the monastery "quod dicitur subaseri" from 2241, which lacks it. But this news is also preserved in the Dm tradition. Furthermore, "litterarum studiis" in 2246, Dm, and 2244 can be opposed to "litterarum studio" in 2241 (and "litteris inbuendus" in 2245). Again, more broadly, one finds closer echoes between 2246 and Dm in contrast to 2241 in the second half of the passage, where the impoverishment of 2241 in comparison to Dm and 2246 is clear. 2246 contrasts the maturity of Dominic's saintly habits to his youth. Dm elaborates the rhetorical image by emphasizing Dominic's learning, which surpasses those who surpass him in age (a typical Alberician turn of phrase). 2241, however, has no image and no comparison. This passage suggests that 2246 has a connection with Dm—or its source—which one cannot explain by postulating that 2246 is a simple reworking of 2241.¹⁵⁷ Rather, these relationships can be better expressed by this stemma:



Can 2246 be X? As this is a fragmentary text, and preserved in a poor witness, the full evidence is not available. An examination of 2241, chapter 2 can be used to illustrate how its author might have written his text if he had based it on 2246 (= X) and 2245.

BHL 2241, chap. 2

Talibus igitur splendens morum ornatibus, exiens de patria, progeniem derelinquens, pervenit in locum, qui Petra daemonis est appellatus; ibique [in] monasterio sanctae Dei genitricis et virginis Mariae a Dionisio abbate monachalem regulariter est adeptus habitum, quem mirificis artibus adornavit.

Et de virtute in virtutem gradatim conscendit, et ad sacerdotii provectus est infulam. Post aliquantulum vero temporis, de exercitio monachali eremiticum

¹⁵⁷ Again, the bare 2245 does not seem a likely source for 2241.

requiens laborem, Dei caritate plenus, devenit in locum, qui Scandrilia dicitur, ubi non paucio tempore delapso legem Domini quotidie meditabatur. Cum ergo rumor illius accresceret, suaeque vitae radiis plurimos illustraret, multi fama sanctitatis ejus dulciter invitati coeperunt habitum secularem relinquere, et Dei se famulatu sub ejus magisterio mancipare. Constructo igitur ad honorem Domini et Salvatoris nostri Jesu Christi coenobio patrem eis instituit ("S. Dominici Sorani," 282–83).

BHL 2246

Talibus itaque morum pollens ornatibus monachicum regulariter adeptus est habitum, quae cum mirificis actibus adornaret. Ac de virginitate ad virtutem gradatim conscenderet ad sacerdotii provectus est infulam. Post aliquantum vero temporis ab exercitio monachili devenit ad heremiticum, deo plenus certamen in loco qui scandrilia dicitur ubi non parvum tempore demoratus in dei sedulus lege meditabatur. Humanas enim devitans almficum laudes quibus secutura multociens amittitur merces quemammodum evangelicae dicitur: Amen dico vobis receperunt mercedem suam. Cunctipotentis dei solummodo gestiebat placere conspectibus. Cui digniter quisquis heret non commovebitur in eternum. Cum propheta siquidem iugiter concinebat: aelegi abiectus esse in domo tua domine, magis quam habitare in tabernaculis peccatorum. Et iterum: Beati qui habitant in domo tua domine in seculum seculi laudabunt te. Cuncta vero temporalia mentis pede conculcans, ita celestibus iniabat, ut contemplacionis penae multociens sublevatus cum situ corporis hereret terris, etherea solicanus habitacula mentis incessu perambulare. Quanto enim amplius humano se subtrahebat vir sanctus colloquio tanto magis perfrui divinis merebatur affatibus, nec eum conversatio terrena poterat praegravare, quem caeleste desiderium ab infimis, iam delectationibus erigens, in virtutum collocaverat arce. Verum divine prescientia maiestatis noluit strenuissimam militem suum intra silentii claustra diutissime commorari sed plurimorum saluti profuturum, quae destinaverat ad predicationibus provide (?) transtulit exercitium quatinus ipse talentum multiplici cumulatum, reddens usura, sui gaudium domini perenniter aepulaturus intraret. Cum ergo rumor illius accresceret sueque vite radiis plurimos illustraret, multi fama sanctitatis ejus dulciter invitati ceperunt habitum seculare relinquere deque se famulatu sub ejus magisterio mancipatio [mancipari?]. Vir igitur domini secundum illud quod dicitur: qui audit dicat veni, tantis eos predicationis omnibus [*sic*] irrigabat ut omnis mundana madefieret in eis ariditas. Nec multum operat quod simplicitati mirabiliter deditus minus elimatus philosophicis studiis videbatur. Cum exemplo magis efficacium operum quam verbis inanibus licet admodum sonoris omnipotentis dei servitium homines invitaret. Constructum igitur ad honorem domini et salvatoris nostri ihesu christi cenobio, patrem eis constituit (Monte Cassino 146, pp. 432–33).

BHL 2245

Nec multo post, egressus patriam, profectus ad locum est qui vulgo petra daemonis appellatur, ibique in monasterio quodam sanctae dei genitricis mariae monacho consecratato, per manus domnisi abbatis sancti ordinis indutus est habitum.

Ibi itaque per annos aliquot remoratus et in cenobiali sacrosancta observantia consummatus, post concessa ab abbate licentia, in vicinia montis cuiusdam ascendit, ibi diebus non paucis vitam solitarius degens, exegit.

Verum quia iuxta testimonium veritatis civitas super montem posita latere non potest, loci incolis eundem montem necessitate propria peragrantibus vir dei repertus, et proditus, coepit a plurimis frequentari, qui dum ei vitae deferrent temporalis subsidia, vitae ab eo referebant perpetuae alimenta.

Post haec rogatu Hubberti potentissimi marchionis monasterium in scandrilia construxit, quod domini salvatoris vocabulo appellari voluit (Vat. lat. 1197, fol. 133r).

The author of 2241 began by following 2246, taking from 2245 the details not provided by 2246, namely the name of the monastery and of the abbot under whom Dominic took the monastic habit.¹⁵⁸ Keeping very close to 2246, he then explained how Dominic advanced spiritually, becoming a priest and then a hermit. He then eliminated a long discussion on the beginnings of Dominic's preaching apostolate in 2246, but joined the model again to include the sentence explaining how the rumor of Dominic's fame caused many to leave the world. Then another sentence is cut, in which 2246 elaborates Dominic's training of his followers. Finally, the sentence on the founding of a monastery and the institution of an abbot is included. This passage also strengthens the conclusion that 2246 is not dependent from 2241. It would be difficult to explain why 2246's author would have chosen to eliminate from 2241 exactly those details which came to 2241 from 2245.

In addition, there are some positive clues that 2246 could be the major source for 2241 rather than a parallel text derived from X. First of all, there is the phrase "quem cernitis" of 2241, chap. 22, in the account of Dominic's founding of his monastery near Sora. This is a "slip" on the part of the author, for the phrase indicates that the writer/speaker is at Sora. The epilogue of 2241, on the other hand, wants to suggest that the writer is *not* at Sora and that the text he is writing is *not* a sermon. This phrase then, must have been part of 2241's original model, which must have been

¹⁵⁸ Note the echoes between 2241's "exiens de patria" and "Petra daemonis est appellatus" and 2245's "egressus patriam" and "Petra daemonis appellatur" (Dm 15: "de terra et de cognatione Dominicus egressus sua" and "Petra daemonis . . . uocatur").

in the form of a sermon. 2246, although surviving only as a fragment, is clearly in the form of a sermon.

There is also Alberic's characterization of X as being written "*lacinioso impolitique . . . sermone*," and his statement that its author "*stilo historiam uitiosam, mendaciis uitiosorem reddiderat*" (Dm 1–2). Can such a description apply to 2246? This text does not offer any evidence of patent falsehood in the short section that survives. BHL 2241, on the other hand, does contain many episodes told differently in Dm, including one which, as the Bollandist editor had pointed out, could have been branded as false by Alberic.¹⁵⁹ This is the episode in which two monks of Monte Cassino, sent by the prior to bring a gift of fishes to the saint, keep four of the biggest ones for themselves and hide them in a cave. Dominic reveals his miraculous powers by his prophetic knowledge of these events and by turning the fishes into snakes.¹⁶⁰ If this was part of 2246—and its presence in 2241 makes it possible—then it could be an example of the mendacity imputed by Alberic to X.

A less tentative conclusion can be reached concerning Alberic's stylistic characterization of the old *vita*. BHL 2246 does correspond to Alberic's negative appraisal. It is certainly unpolished, and ungrammatical in places, even allowing for its corrupted transmission. It is also verbose and redundant, justifying Alberic's use of the rare adjective "*laciniosus*" to characterize it.¹⁶¹ Given the limited evidence, however, no certain conclusion can be reached.¹⁶²

CONCLUSION

The dossier of Dominic of Sora provides an example of the extraordinary transformations and manipulations which the *gesta* of the saints underwent in their treatment by different authors. The purposes of these reworkings

¹⁵⁹ "S. Dominici Sorani," 282.

¹⁶⁰ 2241, chap. 21 (*ibid.*, 291–92). This miracle has a parallel in Dm 94 ff.; here, however, it is a Marsian nobleman who sends his servant with the gift of fishes. For broader parallels to similar miracles, see Adalbert de Vogüé's note to Gregory the Great, *Dialogues* 2.18 (ed. Adalbert de Vogüé and Paul Antin, 3 vols., Sources Chrétiennes 251, 260, 265 [Paris, 1978–80], 2:194–95).

¹⁶¹ *Laciniosus* is used in no other Alberician preface. It is in fact a rare word in classical usage (it occurs only in Apuleius, *Apologia* 21, and in Pliny, *Naturalis historia* 5.62, 25.124, 32.60), but it is used frequently *de dictis vel scriptis*, particularly in Jerome, where it means "copiosus, verbosus" (*Thesaurus linguae latinae* [Leipzig, 1900–], VII.2, col. 835). I thank Carol Lanham who called my attention to the importance of this term, and who also gave valuable advice on the subject of Alberic's style.

¹⁶² 2246 places Foligno, Dominic's birthplace, "in provincia Spoleti," while Dm and 2241 place it in Etruria. This would argue that the mistake occurred in X, and that 2246 corrected it. On the other hand, this would be an easy correction to ascribe to a copyist.

are often multifaceted, for the work of *retractatio*¹⁶³ was dictated not only by new literary tastes but also by different religious sensibilities and the need for other ideals of sainthood. Dominic's dossier also illustrates how such questions cannot be fully answered until all textual issues have been investigated. My textual survey has led to the conclusion that Alberic did, in fact, as he says in the Prologue, rework an earlier Life which he found faulty for reasons of style and of content, and that BHL 2241 and 2246 are also closely related to X, of which the latter may be a fragment. A comparison of these texts then helps in delineating more clearly Alberic's purpose in the construction of the biography of the saint of Sora.

Alberic, first of all, created a text of such literary aspirations that it would suit the sophisticated tastes of his audience. This is most clearly illustrated by the pervasive use of prose rhythm discussed above. Not surprisingly, neither the *Vita Johannis* (BHL 2241) nor BHL 2246 observes *cursus*. Alberic's exploitation of common literary *topoi* and stylistic flourishes in the Prologue and body of his work also has no parallel in the other texts; these also serve to create a literary product more sophisticated than the tradition he is revising.

Alberic did not confine his work of *retractatio* to stylistic concerns. In his depiction of Dominic as a monastic saint, Alberic also followed a long-standing tradition which would have had special meaning to Monte Cassino.¹⁶⁴ It was particularly Benedict as portrayed in Gregory's *Dialogues* who served as Alberic's archetypal model for the eleventh century hermit. In this, the *Vita Dominici* is another witness of the widespread influence that the writings of Pope Gregory exerted at Monte Cassino at this time.¹⁶⁵ It was during the eleventh century, for example, that all three legendaries concerned exclusively with the feasts of the Monte Cassino triad—Benedict,

¹⁶³ I borrow this word from Francis Newton, "A Third and Older Cassinese Lectionary for the Feasts of Saints Benedict, Maur, and Scholastica," in *Monastica: Scritti raccolti in memoria del XV centenario della nascita di S. Benedetto (480–1980)*, 4 vols. (Monte Cassino, 1981–84), 3:45–75, which is a study of the accretions, deletions, and revisions of texts used in the liturgy of the "Cassinese triad."

¹⁶⁴ Monte Cassino's exact role in the Gregorian Reform movement is still debated among historians, as, most recently, in G. A. Loud, *Church and Society in the Norman Principality of Capua, 1058–1197* (Oxford, 1985), and H. E. J. Cowdrey, *The Age of Abbot Desiderius: Montecassino, the Papacy, and the Normans in the Eleventh and Early Twelfth Centuries* (Oxford, 1983). See John Howe, "Peter Damian," for a discussion of this debate. Both Cowdrey (esp. 38) and Loud (71) agree that Monte Cassino's view of spiritual virtue and of monastic life was fundamentally traditional. Both works use BHL 2244 to advance their interpretation of Monte Cassino's share in the moral reform of the church.

¹⁶⁵ See Loud, *Church and Society*, 73–74, for a discussion of Gregory's influence at Monte Cassino at this time.

Scholastica, and Maur—were prepared.¹⁶⁶ The second book of Gregory's *Dialogues* directly or indirectly forms the basis of much of their contents. The most famous of these, Vat. lat. 1202, the so-called Codex Benedictus, is of fundamental importance for the history of illumination at Monte Cassino.¹⁶⁷ Gregory's *Dialogues* provided not only material for Monte Cassino's elaboration on the legends of Benedict, his sister Scholastica, and his disciples, but also the basis on which were built the Lives of other saints, such as that of the sixth-century hermit Mennas, whose *Vita* and *Translatio* were composed by Leo of Ostia.¹⁶⁸ The four books of the *Dialogues* of St. Benedict, written by Desiderius with Alberic's help between 1076 and 1079, constitute in effect a continuation of Gregory the Great's second book of the *Dialogues*. Pope Gregory's work also provided Alberic with the monastic and saintly definition to apply to Dominic of Sora. The Life and Miracles of St. Dominic very carefully present a saint who, albeit called to the heremital ideal, still abides within the guidelines of cenobitic observance.¹⁶⁹ Alberic's *vita*, for example, in contrast to both 2246 and 2241, elaborates the news that Dominic led the monastic life from childhood. The detail that Dominic had been entrusted as a child to the monastery of S. Silvestro was very likely already present in the written source available to Alberic, since it also is found in 2246. But while BHL 2241 neglects to include it in its account, Alberic gives it eminence by developing the theme of the child who is both spiritually and intellectually superior, whose behavior foretells the heroic achievements of his adult life, echoing Gregory's words about the child Benedict "ab ipso pueritiae suae tempore cor gerens senile. Aetatem quippe moribus transiens."¹⁷⁰ While this contrast is a commonplace in monastic literature,¹⁷¹ in the Dominic dossier it is developed only in Alberic's *vita*. Only Alberic's work in contrast to the two other texts gives careful attention to Dominic's gradual ascent to the anchoritic life, prepared by his cenobitic training and his brethren's teachings in spiritual

¹⁶⁶ Some others, however, might not have survived, and another was prepared not at Monte Cassino but at one of its dependencies, as Newton, "A Third," 47, points out.

¹⁶⁷ Also, the most important codex of the Cassinese redaction of the canonical "Collectio in LXXIV titulis," compiled at Monte Cassino at this time, included extracts from Gregory's register. See Loud, *Church and Society*, 74.

¹⁶⁸ BHL 5296 with pertinent bibliography.

¹⁶⁹ Loud, *Church and Society*, 73, emphasizes that Benedict's *Rule* as interpreted at Monte Cassino at this time "sanctioned the life of the anchorite, provided that a background of choral life and common devotion gave stability." Abbot Desiderius, for example, had lived as a hermit until his health broke down. Cowdrey, *Age of Abbot Desiderius*, 88–90, also emphasizes that "eremitism was prominent among the concerns of Monte Cassino and its publicists" (89) during the late eleventh century.

¹⁷⁰ *Dialogues* 2, prologue (ed. de Vogüé, 2:126).

¹⁷¹ See de Vogüé's note to the passage quoted above.

combat, and supported by his abbot's blessing (Dm 18). Like Benedict in *Dialogues* 2.1.5 (ed. de Vogüé, 2:132), Dominic lives in solitude at times, but not far from a community which provides him with food on fixed days (Dm 45). Though unwillingly, as Benedict in *Dialogues* 2.3.2 (ed. de Vogüé, 2:140) so also Dominic succumbs to the community's request to become its abbot (Dm 44, 130). Dominic is portrayed in Alberic's work as a founder of monasteries under strict monastic discipline, who took great care in the choice of monastic superiors among whom were his own relatives,¹⁷² and whose vigilant care over his foundations continued even while absent.¹⁷³ Although Dominic's love of anchoritic solitude is evident—and the phrase used in Alberic's text (Dm 37) as well as 2241 (chap. 3) is Gregory's *dilecta solitudo* (*Dialogues* 2.3.5, ed. de Vogüé, 2:142) as applied to Benedict—his firm roots in a communal life of prayer and work are also emphasized. Only Alberic's text, in describing how the monastery which Petrus Rainerii builds at the saint's behest near Sora contains a garden, mills, and all workshops needed for daily use to support the stable life of the monks so that they do not have to wander far, adds "iuxta sancti patris Benedicti mandatum" (Dm 121), reminding us, of course, that this is the injunction in *The Rule of Benedict* 66.

Another striking difference between Alberic's *Life* and the other independent texts in this hagiographic dossier is its presentation of Dominic as a powerful thaumaturge in his lifetime, while after his death, instance after instance of miraculous cures effected at his tomb is told even as a long line of witnesses comes forth to attest to the powers of his intercession. Such detailed and gripping rendering of miraculous events is unparalleled in Alberic's other hagiographical works but reminds the reader of his part in the composition of Desiderius's *Dialogues*. The holy man is here defined by visible signs, and this cannot fail to recall the *Dialogues* of Gregory which Dm echoes also at a linguistic level.

For example, the introduction to the miracles of prophecy—"Meruit inter ista uir beatus prophetiae spiritu fulgere, et sese reuisentibus aliquotiens uentura praedicere" (Dm 66)—should be compared to Gregory's words in *Dialogues* 2.11.3 (ed. de Vogüé, 2:174), "Coepit uero inter ista uir Dei etiam prophetiae spiritu pollere, uentura praedicere, praesentibus absentia nuntiare." Two of the prophecy miracles in Dominic's *Life* are very similar: they both

¹⁷² E.g., Liutus (S. Petrus de Lacu), Dm 42, was a relative as was a successor at Sora, Benedictus (Dm 3); Dm generally names the superior appointed by Dominic, unlike the other texts.

¹⁷³ In Dm 60, for example, Dominic removes Liutus as superior of S. Petrus de Lacu "certa de causa," which, however, is not explained. See also the episode in 126–30 concerning the misbehavior of the nuns at Sora and Dominic's intervention.

involve foods sent to Dominic as a gift, part of which is hidden by the messenger. In both cases Dominic reveals his knowledge of the theft and warns the thief not to try to get the stolen food because a snake is now guarding it. We find a similar doublet in *Dialogues* 2.18¹⁷⁴ and 3.14.9.¹⁷⁵ These stories had a long pedigree.¹⁷⁶ Yet, it seems clear that Alberic wanted to remind his audience that Gregory was his intended model, because the verbal echoes are, again, striking. Compare, for example,

Dm 79: . . . cibosque quosdam quos uulgu nuncupat calciones . . . ;

Dialogues 2.18: . . . lignea uascula, quae uulgo flascones uocantur;

Dm 83: . . . uir Dei cum gratiarum reditione accepit . . . ;

Dialogues 2.18: . . . Vir autem Domini . . . cum gratiarum actione suscepit. . . .¹⁷⁷

Like the work composed by Gregory the Great, Dominic's Miracles meant to show the continuing effectiveness of divine power through the saints and to reinforce traditional monastic values.¹⁷⁸ They aim first of all to illustrate the efficacy of the saint's intercession to cure disease, exorcise, and confer other benefits. But through them too there runs an undertone of support for monastic values. Several of those whose cure is effected, for example, enter the cloister.¹⁷⁹ One of these is struck by his old deformity when he runs away from the abbey and is cured again only when "pollicetur ex abbatis consilio stationem perpetuam."¹⁸⁰ Those who steal from the monastery are swiftly punished.¹⁸¹ In its depiction of Dominic as a religious reformer and a crusader against abuses, particularly clerical marriage, this work of Alberic is strikingly different from 2241, which contains no discussion of Dominic's preaching against clerical unchastity, the subject of the first miracle stories in Dm. Alberic's work here echoes the Desiderian *Dialogues*. The

¹⁷⁴ De Vogüé, 2:194, the story of Exhilaratus who is charged with bringing to Benedict two flasks of wine, but hides one; Benedict warns him not to drink it because a snake has now crept into it.

¹⁷⁵ De Vogüé, 2:310, where a boy hides a basket of food.

¹⁷⁶ See de Vogüé's notes to these passages.

¹⁷⁷ The visions discussed above serve as another example of Gregorian echoes in the *Vita Dominici*. These two episodes echo two similar accounts found in Gregory's *Dialogues* 2.35.2–3 (ed. de Vogüé, 2:236–38) which also have long precedents.

¹⁷⁸ Loud, *Church and Society*, 32–33.

¹⁷⁹ E.g., Azo, whose story is told in 221 ff.; Adenulphus, the son of Bonutius, who is promised to the abbey of Sora by his father, in 280 ff.; the young man from Ancona, in 291 ff.; Leo, the son of Candus, in 301 ff.

¹⁸⁰ Leo, the son of Candus.

¹⁸¹ E.g., Hubertus who steals the mules, in 349 ff.; or the clergy of Sora who refuse to return the silver thurible, in 374 ff.; or the thief of 238–39.

primary object of the reforming spirit of their authors Desiderius and Alberic was also clerical unchastity.¹⁸²

Alberic's restored *Vita et miracula S. Dominici* is part of the great flurry in the *retractatio* of hagiographical texts undertaken at Monte Cassino during its so-called Golden Age. Older works which seemed uncouth or unreliable could not serve properly the didactic, liturgical, or other needs for which these texts were destined, and they were therefore reworked. Like his Lives of Caesarius and Aspren, Alberic's Life of Dominic, as he tells us, was to replace an unsatisfactory text. Both in its style and in its portrayal of Dominic as a clerical reformer and as a monastic holy man in the tradition which went back to Gregory the Great, Alberic's work provided the proper underpinning for the developing cult of the abbot of Sora, whose ties to Monte Cassino were being established through the abbey's acquisition of three of Dominic's foundations.

APPENDIX

The Three Hymns in Honor of St. Dominic

In 1932 Mauro Inguanez published three hymns in honor of St. Dominic of Sora, which he attributed to Alberic.¹⁸³ Inguanez's text had two sources. The first was a collection of hymns and other liturgical pieces put together in the early nineteenth century by Dom Enrico Gattola, who was a monk at Monte Cassino from 1795 to his death in 1837. These hymns had been transcribed by Gattola himself "ex codice ms. signato n. 199." The other source was Monte Cassino 618, of the sixteenth century.¹⁸⁴ Inguanez considered briefly the authorship of these hymns. While remarking that neither the *Chronicle* nor the *De viris illustribus* mentions these hymns among Alberic's works, he concluded that Alberic's authorship of a Life of the hermit saint and the indication of authorship in Gattola's collection (which he assumed went back to Cod. 199) were proof enough that Alberic had written them.¹⁸⁵

Dom Anselmo Lentini returned to these hymns in 1951.¹⁸⁶ Lentini could not find Gattola's *Raccolta* because of the sad state of the abbey's library after the

¹⁸² But simony, central in the *Dialogues*, is not present in Dm. See Cowdrey, *Age of Abbot Desiderius*, 79–83.

¹⁸³ Mauro Inguanez, "Inni inediti di Alberico e il codice Cassinese 199," *Bullettino dell'Istituto storico italiano e Archivio muratoriano* 47 (1932): 191–98.

¹⁸⁴ Ibid., 192–93. Inguanez concluded that Gattola truly used Cod. 199, since Gattola's collection reported the folio numbers of 199 and Cod. 618 did not.

¹⁸⁵ On the question of authorship, Gattola was more concerned to prove that the Albericus in question was the grammarian rather than the Albericus Jr. of Settefrati.

¹⁸⁶ Anselmo Lentini, "Su tre inni in onore di s. Domenico abate," in MLC, 175–84 (first published in *Benedictina* 5 [1951]: 192–99).

1943 bombing. But he had Cod. 618 at his disposal and wondered whether in fact Gattola used 199 at all, since both Gattola's text as published by Inguanez and Cod. 618 were similar in containing "molte lezioni palesemente errate."¹⁸⁷ But the folio notations taken from Cod. 199 prevented him from concluding that positively. Lentini had much graver objections to another of Inguanez's conclusions, however, namely Alberic's authorship. These objections were largely based on the contents of the hymns. Owen Blum echoed Lentini's doubts. He did not consider the contents of the hymns at all, however. Rather, his objections were based entirely on the silence of the Cassinese sources and on the poems' immunity "to the influence of the Latin poets."¹⁸⁸

The recent retrieval of the lost Cod. 199 and the present restoration of Alberic's authentic text of the *Vita et Miracula S. Dominici* bring additional evidence to an examination of this problem and require that the question of the authorship of these three hymns be examined anew.¹⁸⁹

The former Codex Casinensis 199 which disappeared from the abbey between ca. 1845 and 1874¹⁹⁰ is a magnificently decorated book, written in a Beneventan hand dated to the middle of the twelfth century. On folios 266v–267v, the three hymns in honor of St. Dominic appear as part of a hymnal. They are attributed to Alberic. The first one in fact is entitled "In sancti Dominici ymnus Alberici ad vesp." (fol. 266v).¹⁹¹ The recovery of this magnificent codex thus removes one of the objections presented against the attribution to Alberic. In fact the codex, written about fifty years after Alberic's death, clearly supports Alberic's authorship.¹⁹²

Another objection rested on the contents of the poems themselves, which are so heavily based on the Miracles, particularly on those performed at the tomb (the entire second hymn) and, in one instance, on an event recounted only in BHL 2241 (chap. 21).¹⁹³ Why would Alberic, in other words, not use his own work—i.e., 2244—if he had written the hymns?

¹⁸⁷ Ibid., 175. These wrong readings common to both 618 and Gattola are, for example, I.11 ("claudis" for "claudisque") and I.20 ("vindicata" for "vindicta").

¹⁸⁸ Blum, "Alberic of Monte Cassino," 91.

¹⁸⁹ Dolbeau, "Le dossier," 28, briefly also concludes that Alberic is in fact the author of the three hymns because of their contents. He does not discuss the evidence provided by Cod. Cas. 199.

¹⁹⁰ It did not disappear as a result of the French sack of the Abbey in 1779, as is often reported; see Inguanez, "Inni," 193. The most recent description of the manuscript is Joachim M. Plotzek, *Die Handschriften der Sammlung Ludwig*, vol. 2 (Cologne, 1982), 49–63, esp. 54. Cod. Cas. 199 is now at the Getty Museum in Santa Monica, California (Ludwig Collection MS IX, 1).

¹⁹¹ There is no doubt whatsoever that Alberic's name was written by the hand which copied the entire hymnal. The mention of authorship is, however, not repeated for the other two hymns, which are simply entitled "Ymnus ad Nocturnum" (fol. 267r) and "Hymnus ad Laudes" (fol. 267r).

¹⁹² Lentini also discredited any authorial evidence of Cod. Cas. 199 because he believed, incorrectly, that the codex had been written in the late thirteenth or fourteenth century; see "Su tre inni," 177.

¹⁹³ Ibid., 179.

Furthermore, Lentini had dated the composition of the Miracles to the year 1090, while he dated BHL 2244 ca. 1060. Concluding, rightly, that the hymns are based for the most part on the Miracles, he thought that if Alberic were the hymns' author he would have had to return to his subject long after he had written the Life.¹⁹⁴

We now know, of course, that the Miracles are Alberic's own work and that in fact he dedicates a whole section of miracle stories to those performed at the tomb. Furthermore, we can now conclude that the reference in line 13 of the first poem ("Absconsa saepe detegit") refers not to the event told in 2241 (chap. 21), involving monks of Monte Cassino hiding fish from the saint and exposed by him,¹⁹⁵ but rather to the long series of miracles told in Dm in which the saint exposes the theft of food presents sent to him. Thus, the "saepe" of the poem, which had puzzled Lentini also makes sense, and echoes the emphasis in the original Alberician Life on the *prophetic* powers of the saint. Furthermore, the correct dating of the entire work to the late 1060s or early 1070s removes another of Lentini's objections.

We now come to the much more difficult question of stylistic evidence, which Lentini discusses.¹⁹⁶ The poems follow quantitative meters rather than rhythmical ones, although there are a few "licenses."¹⁹⁷ The first is in the very common iambic dimeter, and the third in the no less common Sapphic minor. Both these meters were widely used in liturgical pieces. The careful avoidance of elision and the equal number of syllables would make these pieces very suited to music and singing. The second hymn is in the much less common tetrameter dactylic catalectic. All these poems use rhyme throughout.¹⁹⁸

These hymns are completely without echoes of the classical Latin poets, and this has been taken as another obstacle to Alberic's authorship. Yet, the only two poems conclusively attributed to Alberic, the "Sponsa decora Dei" in honor of St. Scholastica and the acrostic poem in honor of St. Caesarius, do not exhibit any classical echoes either.¹⁹⁹

Finally, we come to the *silentium* of the Cassinese sources. The only point which can be countered here (as has been done particularly by Inguanez) is that the poems might have been subsumed under the heading "Vitam S. Dominici." The poem in honor of Caesarius is not listed either among Alberic's works. On the other hand, the verses on Scholastica are specifically mentioned separately from the *Vita* and *Omelia*.

¹⁹⁴ See above for my discussion of the dating of Alberic's composition.

¹⁹⁵ The fact that this story brought discredit to Monte Cassino also led Lentini to doubt Alberic's authorship.

¹⁹⁶ Lentini, "Su tre inni," 174 ff.

¹⁹⁷ Ibid., 176.

¹⁹⁸ The *Consideratio rithmorum*, which Blum attributes to Alberic ("Alberic of Monte Cassino," 124–27), discusses all three meters.

¹⁹⁹ The theory used by Blum to attribute several poems to Alberic has been severely questioned; see n. 12 above. The Scholastica piece—without attribution—has been most recently published in MGH *Poetae Latini Medii Aevi* 5.3, ed. Gabriel Silagi and Bernhard Bischoff (Munich, 1979), 596–98; also in Blum, "Alberic of Monte Cassino," 146–48.

In conclusion, the restoration of Alberic's original text and the evidence provided by Cod. Cas. 199 argue very forcibly for Alberician authorship of these hymns. We now know that the hymns are a poetic retelling of events told at greater length in Alberic's own work, and also that about fifty years after his death Alberic was cited as their author in the only ancient witness of these hymns. Furthermore, the style of the hymns is perfectly consistent with the other two poems currently attributed to Alberic.

TEXT

My text is based on Cod. Cas. 199. In the apparatus I have noted only the instance in which I have emended Cod. Cas. 199 (as Lentini also did), and the two instances in which Lentini's text is different from mine and Cod. Cas. 199.

In Sancti Dominici
ymnus Alberici ad vesp.

Celum canoris laudibus,
Tellus resultet plausibus;
Hac luce summis civibus
Coniungitur Dominicus.
Hic, et manens in corpore
Et liber eius compede,
Signis, quibus donatus est,
Carus Deo probatus est.
Nam saepe febres expulit,
Mutis loquelam praebuit,
Claudisque gressum praestitit,
Caecisque visum reddidit.
Absconsa saepe detegit,
Futura saepe praecinit,
Liquor manu qui decidit
Morbos frequenter eicit.
Huic magnus invidentium
coetus fuit furentium,
Sed est in illos^a saepius
Vindicta facta caelitus,
Huic aemulus dum detrahit,
Mox sensus illum deserit:
Intervenit Dominicus
Reditque sensus^b pristinus,
Manus fit arens alteri,
Visusque cessit alteri;

^a illo *Lentini*

^b sensum MS

In pluribus mors percita
 Ulciscitur blasphemia.
 Mortem pararat presbiter
 Viro beato pestifer,
 Sed mox ei fit proximus,
 Fit ipse mundo mortuus.
 Hic exiens ergastula
 Carnis, recepit famina
 Divina se solantia;
 Sic summa scandit atria.
 Ad eius ossa mortua
 Obsessa linquit corpora
 Daemon, et illic perditus
 Est mente menti redditus.
 Non dantur ulli calculo^c
 Divina quae dignatio,
 Viri beati gratia,
 Sempter patrat magnalia.
 Patri Patrisque Famini
 Ac utriusque Flamini
 Salus et ante saecula,
 Salus sit et per saecula. Amen.

^c clanculo *Lentini*

Ymnus ad Nocturnum

Ecce dies remeat celebris,
 Coetibus hac Pater angelicis
 Dominicus socius rutilat,
 Omnis et inde polus iubilat.
 Gaudia nos quoque concipimus,
 Et nova cantica concinimus;
 Quae Pater egit hic almificus
 Prosequitur chorus ymnidicus.
 Febris it istius ob meritum,
 Lux datur istius ob meritum,
 Mens fugit istius ob meritum,
 Mens redit istius ob meritum.
 Ambulat ipsius ad tumulum
 Claudus, et ipsius ad tumulum
 Muta loqui potis efficitur
 Lingua, draco vetus eicitur.
 Claudere nemo potest numero
 Quae Deus omnia prae tumulo

Dominici facit, ut pateat
 Quam sibi Dominicus placeat.
 Illius ergo, Deus, precibus,
 Vocibus annue supplicibus;
 Nunc famulos et ab hoste tege,
 Post famulos et ad astra vehe.
 Gloria, laus, decus Ingenito;
 Gloria, laus, decus et Genito;
 Gloria, Spiritus alme, tibi,
 Ingenito Genitoque pari. Amen.

Ymnus ad Laudes

Christe, tyronum clipeus tuorum,
 Christe, cunctorum via, lux piorum,
 Christe, summorum requies laborum,
 Laus tibi semper.
 Militis magni colimus tropeum,
 Cui datum per te superare saeculum
 Est, et hac die penetrare caelum;
 Laus tibi semper.
 Lumen hic caecis statuit fenestris,
 Famen hic mutis tribuit labellis,
 Languidis morbos fugat a catervis;
 Laus tibi semper.
 Claudus, hoc ipso faciente, pergit;
 Perditos sensus animi rependit,
 Daemones huius tumultus repellit;
 Laus tibi semper.
 Huic salis fusum fuit ore famen,
 Hic prophetiae meruitque flamen,
 Nactus est a te Domino vocamen
 Dominicus hic.
 Huius immensis meritis, Redemptor,
 Criminum nostrum pius esto demptor;
 Sis ab iniustis pius et diremptor,
 Christe, tuorum.
 Laus canat Patrem, Patris atque Famen,
 Laus canat compar utriusque Flamen,
 Cui poli cunctum famulatur agmen
 Saecula cuncta. Amen.

A MUSICAL FRAGMENT AT BISCEGLIE CONTAINING AN UNKNOWN BENEVENTAN OFFICE

Thomas Forrest Kelly

In a private collection in Bisceglie (province of Bari) is a small paper volume of records for the year 1486 from the parish church of San Matteo in Bisceglie. Wrapped around the book as a cover, and still attached, is a bifolium from a noted antiphoner of the late eleventh or early twelfth century.¹

The front folio of the wrapper (folio A) measures approximately 300 × 228 mm., and the original writing surface measures 270 × 161 mm., in fourteen long lines. Each folio is ruled with four dry-point lines for each system of text and music; prickings for this ruling can be seen on the outer edge of folio A.

The parchment is of medium thickness and yellowish, the exposed sides (folios A recto, Z verso) being much darkened. There is some damage, including missing parchment, at the bottom of both folios, and there are moisture stains and generally much evidence of wear. An original hole in the bottom of folio Z is obscured now by the absence of parchment above the hole, and of all the parchment below to the bottom of the folio.²

A blackish-brown ink, now somewhat faded, is used for both text and music; rubrics are in an orange-red ink. The two large initials are colored with the orange-red ink of the rubrics as well as with yellow (now faded), green, blue, and a much-tarnished silver. Smaller initials are infilled or touched with red, green, or yellow.

¹ The fragment was called to my attention by Professor Virginia Brown; Professor Francesco Magistrale, whose researches first brought the fragment to light, kindly arranged for me to examine and photograph it (see plates). The fragment was described for the first time by Clelia Gattagrisi at the congress *Scrittura e produzione documentaria nel mezzogiorno longobardo* (Badia di Cava, 3–5 ottobre 1990), in whose forthcoming acts her report will appear.

² The penultimate lines of both sides of folio Z seem to be complete, skipping over what must be the original hole; on folio Zv, the direct after “esse” shows the relative position of the next visible neume.

The text is written in a clear and careful Beneventan script of the "Bari type." It does not, however, have the rounded appearance of many examples of this type; it has a strong vertical orientation typical of manuscripts written in Apulia outside of the immediate area of the Bari zone, though the ascenders and descenders are rather short. There is a general resemblance to the scripts of two liturgical Gospel books of the region: Bitonto, Biblioteca Comunale A 45, and the evangelistary without shelf-number in the Cathedral of Bisceglie.³

Many characteristics of the Bari-type script are to be seen in this document.⁴ *S* and *F* do not descend below the base line;⁵ broken *C* is used regularly except after *E*; two nearly equal curves make up large *E*; the *FI* ligature, not so large as is often found in Pugliese scripts, rests on the base line; final *R* is short; medial *R* in ligature with *E*, *A*, etc., is straight-shouldered. Uncharacteristic of this type, however, are the ligatures *GI* and *EI*, which are joined at a clear right angle.⁶ An unusual form of the letter *A*, an uncial form with a partially detached loop extending well below the base line, occurs three times (fol. Av, line 4, "alleluia"; lines 9 and 13, "aurum").⁷

Abbreviations are infrequent, as is typical of texts written to be accompanied by musical notation, and they follow the Beneventan procedures, though they do not use the abbreviation-stroke with superscript point typical of many Puglian scribes. The Nomina Sacra appear (*dñs*, fol. Zr, line 7), as well as the standard signs for the syllables *pro*, *per* (fol. Ar, line 3), *pre* (fol. Zr, line 7); *qui* (fol. Zr, line 1), *bis* (fol. Ar, line 14). The word "omnes" is abbreviated in the older system (*om̄s*, fol. Zr, line 10).⁸ Final -*us* is indicated both by a 3-shaped sign (fol. Zr, line 4) and by a sign resembling a semicolon (fol. Zv, line 1). Final *M* looks like a superscript 3 (fol. Av, line 5), except for the word "dum" (fol. Zr, line 10), which evidently

³ A study with many facsimiles of the Bitonto evangelistary is Francesco Magistrale, *Il codice A 45 della Biblioteca Comunale "E. Rogadeo" di Bitonto* (Bari, 1984); on both manuscripts, see Giulia Orofino, "Gli evangelieri in Beneventana di Bisceglie e di Bitonto e la produzione miniaturistica in Puglia nel XII secolo," in *I codici liturgici in Puglia* (Bari, [1986]), 197–232.

⁴ E. A. Loew, *The Beneventan Script: A History of the South Italian Minuscule* [= TBS], second edition prepared and enlarged by Virginia Brown, 2 vols., Sussidi eruditi 33–34 (Rome, 1980), 1:150.

⁵ An exception is the *S* in "hierusalem," fol. Av, line 3.

⁶ Loew cites a rounded form of these ligatures as typical of the Bari type. See TBS 1:143–44. Examples of *GI* here: "regis," fol. Ar, line 8; "magi," fol. Ar, lines 4, 5. *EI* is found on fol. Av, line 5.

⁷ The same form is found in Bitonto A 45, fol. 68: see Magistrale, *Il codice A 45*, p. 22 and facsimile, p. 65.

⁸ See TBS 1:210–13.

lacks an abbreviation-stroke; final superscript *S* is found in the Greek word “Thalas” (fol. Av, line 7); enclitic *-que* is indicated by a stroke added to the final letter; and the final letter of words ending in *-nt* takes its characteristic altered form.

Punctuation on these folios is limited to two signs: a point set slightly above the base line, and used for more important pauses and endings; and, rarely, a diagonal stroke to indicate subsidiary pauses (for example, the stroke preceding “alleluia,” fol. Av, line 7).

The musical notation is fully diastematic, oriented on the three dry-point lines left blank between lines of text. C- and F-clefs are used, but, as will be seen, they are not used for the portions of the music in Beneventan chant on folio Z. As in all Beneventan notation, the direct appears at the end of each line, and is here often used as well in the course of a line to reposition the notation (e.g., fol. Av, line 12, after “letantur”), and after a psalmodic ending to show the pitch for the reprise of the antiphon (e.g., fol. Av, line 4, before “Magi”).

The neumes are carefully written and follow the traditions of Beneventan notation. Of particular interest is the presence of the quilisma, an undulating neume that generally disappears from Beneventan notation at the beginning of the twelfth century (one such quilisma is on the first syllable of “celestis,” fol. Av, line 10). A relatively rare sign is the Beneventan episema, a hairline stroke used here at the ends of groups of strophic neumes, and virtually invisible in the plates. This is a feature of some manuscripts of the later eleventh century, such as Benevento, Biblioteca Capitolare 40, and Vatican City, Biblioteca Apostolica Vaticana Ottob. lat. 145.

The two leaves of this bifolium are from an antiphoner of the Office; they are not consecutive, and hence not the innermost in their quire. It is not possible to determine whether the antiphoner is of monastic or secular use, as the responsories on folio Ar are not numbered, and the number of antiphons for Lauds and the day hours on folio Av is a series equally suitable for monastic or secular Lauds.⁹

The contents fall into two groups: folio A contains responsories and antiphons from the Roman office for Epiphany, using material generally known all over Europe, though there is the unusual feature of a Greek

⁹ Of related Beneventan books (see below, p. 351 and notes 12–15), the one representative of what seems to be the secular Office, Benevento 19, is the most distant from the Bisceglie fragment in terms of the selection and order of chants for the Epiphany. The presence of a responsory before *Benedictus* at Lauds would be a characteristic sign of the monastic Office; but its absence here cannot be given much weight, since the responsory is often missing in other monastic books of the Beneventan zone.

version of one of the antiphons; folio Z, by contrast, contains unknown music in a style that makes clear that these pieces are part of the Beneventan liturgy, used in southern Italy before the coming of Gregorian chant. We will consider each of these groups in turn.

Folio A contains the following pieces:

Folio Ar [Matins of Epiphany]

1. "... puerum cum maria matre eius, et procidentes adoraverunt eum"
(end of V. *Et intrantes* of R. *Stella quam viderunt*; CAO¹⁰ 7701)
2. R. *Videntes stella* [sic] V. *Stella quam viderunt*¹¹ (CAO 7864)
3. R. *Tria sunt munera* V. *Salutis nostre* (CAO 7777)
4. R. *Hic est dies preclarus* V. *Dies sanctificatus* (CAO 6821)

Folio Av [Lauds of Epiphany]

5. a. *Ante luciferum* (CAO 1434)
6. a. *Venit lumen* (CAO 5344)
7. a. *Magi viderunt* (CAO 3654)
8. a. *Maria et flumina* (CAO 3700)
9. a. *Thalas ke potamie* (Greek version of *Maria et flumina*)
10. a. *Apertis thesauris* (CAO 1447)
11. a. [ad *Benedictus*] *Hodie celestis* [sic] *sponso* (CAO 3095)

[antiphons for the weekdays after Epiphany?]

12. a. *Tria sunt munera* (CAO 5181)
13. a. *Omnes de Saba venient* (incomplete; CAO 4119?)
14. "... cum ymnis in eternum domino. Deo gratias" (on an additional line in the bottom margin, but perhaps by the same hand, an incomplete troped *Benedicamus Domino*).

These antiphons and responsories are evidently a portion of the office for the Epiphany. Folio Ar includes the final responsories of Matins, and the large initial *A* on the verso marks the beginning of Lauds. The arrangement of these pieces is closely paralleled by the four surviving noted witnesses

¹⁰ These numbers refer to the catalogue and editions of antiphons and responsories found in vols. 3–4 of René-Jean Hesbert, *Corpus antiphonalium officii* [= CAO], 6 vols., *Rerum ecclesiasticarum documenta, series maior, fontes 7–12* (Rome, 1963–79).

¹¹ The verse *Stella* does not include the variant listed in CAO for manuscript *L* (Benevento 21; see next note).

of this office from southern Italy, although none of them has the remarkable Greek translation of *Maria et flumina*. The responsories and antiphons here are precisely those of Benevento 21¹² and Montecassino 542.¹³ Benevento 22 lacks the responsory *Videntes stellam* but is otherwise entirely in accord.¹⁴ Benevento 19, whose Matins have nine responsories, is the farthest removed from the Bisceglie fragment. Its office uses none of the responsories preserved here; it inverts the order of two Lauds antiphons; and the antiphon *Omnes de Saba* does not appear.¹⁵

Particularly remarkable in this otherwise normal Gregorian office is the presence of an evidently supernumerary antiphon in Greek. This is a transliteration in Latin letters of a text which is a Greek version of the antiphon *Maria et flumina* (fol. Av, line 8). The text is derived from the first half-verses of Daniel 3:77–78, but in inverse order; the Greek text apparently has the same vocabulary as the Septuagint, though the transmission here is far from clear.¹⁶ The transliteration is as follows:

Thalas ke potamie eblogite ton kyrion. ymnodi to pige ton kyrion allilulia.

[θάλασσαι καὶ ποταμοὶ εὐλογεῖτε τὸν κύριον· ὑμνεῖτε, αἱ πηγαὶ τὸν κύριον, ἁλληλούια.]

Its melody is the same in both versions, adapted only slightly for the needs of the two texts; on the basis of the somewhat unsatisfactory matching of melody to text in the Greek version, it appears that the Latin version may be the original.

¹² Benevento, Biblioteca Capitolare 21; in CAO this is siglum *L*, a late twelfth- or early thirteenth-century antiphoner of uncertain provenance, but almost certainly not from the Beneventan monastery of San Lupo. The manuscript was formerly called V.21; I follow the practice of dropping the Roman numerals, no longer useful, as adopted in the catalogue by Jean Mallet and André Thibaut, *Les manuscrits en écriture bénéventaine de la Bibliothèque capitulaire de Bénévent*, vol. 1 (Paris, 1984). The order of pieces for the Epiphany can be seen in CAO 2:103–9. The antiphon *Tria sunt* is one of two antiphons for the single nocturn of feria 2, and *Omnes de Saba* is one of two for feria 3.

¹³ Montecassino, Archivio della Badia 542, an incomplete monastic antiphoner of the second half of the twelfth century; pages 34–41 contain the parallel portions for the Epiphany. *Tria sunt* is one of two antiphons marked *Fr ij ad noct*, while *Omnes de Saba* is the single antiphon for feria 3.

¹⁴ Benevento, Biblioteca Capitolare 22, a noted monastic breviary of the twelfth century, fols. 88r–91r.

¹⁵ Benevento, Biblioteca Capitolare 19, a twelfth-century mixed breviary-missal with notation, *pars hiemalis*; a companion volume is Benevento 20. The antiphons at Lauds (fols. 165v–166r) are *Ante luciferum*, *Venit lumen*, *Apertis*, *Maria et flumina*, *Magi*, and *Hodie celesti*. The antiphon for Terce is *Tria sunt munera* (fol. 166r).

¹⁶ The Septuagint version of these verses reads εὐλογεῖτε, αἱ πηγαί, τὸν κύριον· ὑμνεῖτε καὶ ὑπερυψοῦτε αὐτὸν εἰς τοὺς αἰῶνας. εὐλογεῖτε, θάλασσαι καὶ ποταμοί, τὸν κύριον· ὑμνεῖτε καὶ ὑπερυψοῦτε αὐτὸν εἰς τοὺς αἰῶνας. I am grateful to Professor Nathan Greenberg of Oberlin College for advice on the Greek text.

This piece is not, to my knowledge, used in this form in the Byzantine liturgy.¹⁷ The presence of a Greek text, however, in a Beneventan liturgical manuscript is not so rare as it might seem. Six other antiphons, all of them used in the rites of Holy Week, are found in double Latin/Greek forms in at least some manuscripts of the Beneventan zone. In addition the Greek sticheron *Pascha ieron* is found in manuscripts in Beneventan script in manuscripts at Benevento and at Florence.¹⁸ That Greek music should be found in Puglia is surely no surprise in view of the long tradition of Byzantine involvement (though not always friendly) with the region of Bari. Latin scribes, however, seldom wrote down what they evidently regularly heard. There is little place in the official liturgy for music in Greek;¹⁹ but our scribe evidently had heard this music, for he writes down the pronunciation, not the transliteration, of the antiphon.²⁰

* * *

For the contents of folio Z we provide a transcription, as these texts are otherwise mostly unattested.

¹⁷ See Henrica [Enrica] Follieri, *Initia hymnorum ecclesiae graecae*, 5 vols. in 6, Studi e testi 211–15bis (Vatican City, 1960–66).

¹⁸ Details of these Greek pieces and their appearances are in Thomas Forrest Kelly, *The Beneventan Chant* [=TBC] (Cambridge, 1989), 206–17; not mentioned there is the appearance of *Pascha ieron* in Florence, Biblioteca Medicea Laurenziana ms 33.31, fol. 45r + ms 29.8, fol. 77v (the latter folio pasted over with paper); I am grateful to Professor Virginia Brown for calling my attention to this witness.

¹⁹ This piece adds to the number of connections between the Greek language and the feast of the Epiphany in the West. The famous group of antiphons (the *Veterem hominem* series) reportedly translated from the Greek for Charlemagne serves for the Octave of the Epiphany: see Jacques Handschin, “Sur quelques tropaires grecs traduits en latin,” *Annales musicologiques* 2 (1954): 27–60; Joseph Lemarié, “Les antiennes ‘Veterem hominem’ du jour octave de l’Épiphanie et les antiennes d’origine grecque de l’Épiphanie,” *Ephemerides liturgicae* 72 (1958): 3–38; Oliver Strunk, “The Latin Antiphons for the Octave of the Epiphany,” in *Recueil de travaux de l’Institut d’Études byzantines 7: Mélanges Georges Ostrogorsky* 2 (Belgrade, 1964), 417–26, reprinted in Strunk, *Essays on Music in the Byzantine World* (New York, 1977), 208–19; and one of the antiphons sung in Greek and Latin for the second adoration of the Cross on Good Friday in the old Beneventan liturgy is *Omnes gentes / Panta ta etni*, whose Latin form is used in the Gregorian liturgy for Epiphany: see Kelly, TBC, 214–15.

²⁰ Such words as “eblogite” suggest an aural process; indeed, the scribe seems to be writing heard (or remembered) Latin: he writes “Hodie celestis sponso” instead of “celesti”; in the antiphon *Venit lumen* he writes “illumine” instead of “in lumine”; and on fol. Av, line 8, he writes “alliluia.” On the question of Latin music-scribes writing Greek, see Charles M. Atkinson, “The *Doxa*, the *Pisteuo*, and the *ellinici fratres*: Some Anomalies in the Transmission of the Chants of the ‘Missa graeca,’” *The Journal of Musicology* 7 (1989): 81–106.

Folio Zr [Beneventan office of the Octave of Epiphany?]

15. (V) ... cum letentur; quia statim ut ex virginem natus est xpistus.
16. <a.> Hodie celi letati sunt et mare dulce factum est quia a iohannes in iordane dominus baptizatus est. <Ps.> Benedicite dominum.²¹
 V. Celi apostolos et mare gentes designant; in quibus dulce xpistianum nomen destillat.
17. a. Baptiza me iohannes baptiza benedicam te et tu iordane gaudens suscipe me ego hodie sanctificabo fontes aquarum.²² <Ps.> Dominus regit me.
 V. Filius dei altissimi quem preco ostendendo²³ predixit; pro inplenda iustitia adveniens dixit.
18. Iordanis fluvius se retenuit intrante domino aqua contremuit nova creatio surgit de flumine qui illuminat omne seculum. <Ps.> Omnes gentes.
 V. Du<m> nostra crimina baptismo suo lavisset; et suum dominum ac creatorem sensisset. Iordanis.²⁴
19. <R.> Ecce completa sunt omnia que predicta sunt marie virginis; <...>-minus; Natus /folio Zv/ est puer in presepio; positus a pastoribus demonstratus et in celis a patre clamatus; hic est filius meus in quo bene com<placui>.
 V. Ego autem constitutus sum rex labeo super syon montem sanctum eius predicans preceptum domini dominus dixit ad me hic est filius meus in quo
20. Prosa. In quo
 divinitas pleniter ante secula <...>
 fons et vigor cum patre sancte sophie pollens
 quem patris decora co<...>mam fieret genitum profiteamur
 qui verbum splendorque es patris et diceris principium finisque;

²¹ Compare the text of the responsory *Hodie coeli aperti sunt* (CAO 6846), which appears in Benevento 21 for the Epiphany.

²² Compare the text of the antiphon CAO 5062 ("Super ripam Jordanis stabat beatus Joannes; indutus est splendore, baptizans Salvatorem: Baptiza me, Joannes, baptiza, benedico te; et tu, Jordanis, congaudens suscipe me"), which appears in Benevento 19, fol. 272r, for the Octave of the Epiphany; see also Handschin, "Sur quelques tropaires," 30–31 and n. 2; Lemarié, "Les antiennes," 32–33, 37.

²³ The scribe has added the third syllable above the line.

²⁴ The texts of this antiphon and its verse are used in Benevento 21, fols. 43v–44r, as the third and fourth of four verses attached to the antiphon *Precursor Johannes* for the Octave of the Epiphany; see CAO 4358. The melody of *Jordanis fluvius* in Benevento 21 is the same as that found here, though the melodies of *Dum nostra crimina* are different. The melody of *Jordanis fluvius*, with its literal internal repetition and its little similarity to other melodies of the Beneventan rite, raises complex questions about the origin of these melodies and texts which must be saved for another occasion.

tu trina usie fortis dextra contor<qu>ens machina polorum terrarum
 et marium
 et non esse <....>-se cuncta solo verbo effigiasti omnis te pant<....>
 plector.
 O quam/////

We do not have the beginning of this office, where an opening rubric might have indicated the feast; but the office is probably a doublet—a Beneventan office which would have followed the Gregorian office for the same feast. But that feast is evidently not the Epiphany. Normally the Beneventan office should follow immediately after the Gregorian office for the same feast. Here, however, at least one folio, and more likely a bifolium, has intervened, and the missing end of the Gregorian office together with the beginning of the Beneventan could hardly occupy a full folio. Since there was intervening material, and since the Beneventan texts focus on the baptism of Christ by John the Baptist, the likely feast is the Octave of the Epiphany, which from at least the ninth century focusses on this biblical event.²⁵ The lost rubric might also have indicated that the music to follow belongs to the old Beneventan chant; such indications are used eight times in other manuscripts that combine the two rites.²⁶ An example of such a rubric is that attached to the Vespers for St. John the Baptist in the so-called Solesmes Flyleaves, also in a private collection,²⁷ whose opening rubric reads *vig<ilia> s. iohannis bapt. a<nt>. ambro. ad vesp.*, that is, Ambrosian antiphons for Vespers, following the Gregorian antiphons that had preceded.²⁸ If the now-incomplete Bisceglie manuscript included a normal Gregorian office (of the Octave of the Epiphany?) followed by this special Beneventan office, a warning rubric would probably have been needed.

This Beneventan office resembles in many details the other two surviving offices of the Beneventan liturgy. As is the case in the Vespers of the Solesmes Flyleaves and in the Vespers of Good Friday surviving in several manuscripts,²⁹ each antiphon here is followed by a *versus ad repetendum*, a non-

²⁵ See Amalarius of Metz, *Liber de ordine antiphonarii* 25: "Sicut certavit scola cantorum in epiphania frequentare adventum magorum, simili modo certat in octavis epiphaniae frequentare baptismum Christi, quasi ipsa die baptizatus esset" (ed. Jean Michel Hanssens, *Amalarii episcopi Opera liturgica omnia* 3, Studi e testi 140 [Vatican City, 1950], 61).

²⁶ See Kelly, TBC, 181–82.

²⁷ For a study of this fragment and a facsimile, see Thomas Kelly, "Une nouvelle source pour l'office vieux-bénéventain," *Études grégoriennes* 22 (1988): 5–23; see also Kelly, TBC, 94–95, 312.

²⁸ Beneventan chant is regularly called Ambrosian by its scribes; see Kelly, TBC, 181–83.

²⁹ Benevento 38, fol. 43r–v; Benevento 39, fol. 25r–v; Benevento 40, fol. 43r–v; Lucca, Biblioteca Capitolare Feliniana ms 606 (an eleventh-century missal in ordinary minuscule

psalmodic text set to the music of the psalm-tone and sung after the psalm as a prelude to the reprise of the antiphon.³⁰

Folio Z begins with the end of a *versus ad repetendum*, to judge from its melodic shape. Since an antiphon must have preceded, the full office must consist of at least four antiphons followed by a great responsory. However, since both the other surviving Beneventan offices conclude with *Magnificat*, and since none of these antiphons is followed by a canticle (*Magnificat* or *Benedictus*), we can suppose that following the responsory there must have been at least one further antiphon, for the canticle.

* * *

That different patterns of transmission lie behind these two offices, Gregorian and Beneventan, is evident from the two ways of indicating psalmody at the ends of antiphons. Each Gregorian antiphon is followed by *euouae* (the vowels of *seculorum amen*) to serve as text for the neumes of the psalmodic ending; the Beneventan antiphons follow an equally familiar procedure giving the incipit of the psalm with the music of the psalm-tone ending written above it.³¹

The responsory *Ecce completa sunt*, folio Zv, followed by a prosula, has a somewhat confusing layout. The respond ends on lines 2–3 with the text “hic est filius meus in quo bene complacui,” followed by the verse *Ego autem constitutus*.³² Near the end of the verse, the reprise of the respond is written out: “hic est filius meus in quo”; but the melody stops at “quo” for the enormous melisma that occupies lines 6 through 9. This melisma

but with Beneventan notation in this section), fol. 156r–v; three later manuscripts, all in non-Beneventan hands and all without musical notation for the texts in question, also transmit the Beneventan Vespers: Subiaco, Biblioteca del Protocenobio di Santa Scolastica XVIII (19), fol. 77r–v; Salerno, Archivio del Museo del Duomo, ms without shelf-number (no. 3 in Arturo Capone, *Il duomo di Salerno*, 2 vols. [Salerno, 1927]), fol. 130r; Salerno, ms without shelf-number (Capone 4), fols. 134v–135r.

³⁰ Such verses do exist outside the Beneventan liturgy, of course; see, for example, the office of St. Lawrence (CAO offices 50³ and 103); on *versus ad repetendum* used with introits in Beneventan manuscripts, see *Paléographie musicale*, vol. 14 (Tournai, 1931; rpt. Berne, 1971), 207.

³¹ This latter procedure is used for the Beneventan Vespers of Good Friday in Benevento 38, 39, and 40; the Solesmes Flyleaves give only the *versus ad repetendum* after the antiphons, with no psalm and no psalm-tone formula. The system of combining psalm-text with tone-ending is, however, not unique to the transmission of Beneventan chant; it is used, for example, in the (Gregorian) offices transmitted in Benevento 22, a noted breviary of the twelfth century.

³² The beginning of this verse is melodically very similar to the verse *Ecce terremotus* of the Beneventan responsory *Tenebre*. See the transcription in Kelly, TBC, 136, and the fac-similes in *Paléographie musicale* 14, plates 61 (Vat. lat. 10673) and XVI–XVII (Benevento 40).

may be an addition to the original melody,³³ in order to accommodate the prosula *In quo divinitas* which follows immediately and which is set syllabically to the melody of the melisma. The prosula here is incomplete, finishing on the nonextant following folio.

The Bisceglie fragment provides new evidence concerning the relationship between the Old Beneventan and the Ambrosian liturgies which confirms many other musical and textual similarities between the Milanese and the Beneventan liturgies.³⁴ The text of the Bisceglie responsory *Ecce completa sunt* is used as a responsory *cum infantibus* in the Milanese liturgy at Second Vespers of the Epiphany.³⁵ And despite their many differences, the two melodies are so similar as to make clear the musical relationship between these two pieces, and to reinforce the growing awareness of the close relationship of these two "Lombard" liturgies.³⁶

Oberlin College.

³³ This melisma does not have the appearance of a Beneventan melody; the frequent strophic neumes (appearing as groups of two or three lozenges) are not typical of Beneventan melody; the double cursus, which shapes the entire melody, and the repetition of brief figures are also unusual in Beneventan musical procedure.

³⁴ On musical and textual parallels between Milan and Benevento, see Kelly, TBC, 181–203; see also Thomas Forrest Kelly, "Beneventan and Milanese Chant," *Journal of the Royal Musical Association* 112 (1987): 173–95; idem, "Non-Gregorian Music in an Antiphoner of Benevento," *The Journal of Musicology* 5 (1987): 478–97; Terence Bailey, "Ambrosian Chant in Southern Italy," *Journal of the Plainsong and Mediaeval Music Society* 6 (1983): 1–7.

³⁵ It appears, for example, in London, British Library Add. 34209 (pp. 112–13), an Ambrosian *pars hiemalis* of the twelfth century. See the facsimile published as *Paléographie musicale*, vol. 5 (Solesmes, 1896); the piece is transcribed in *Paléographie musicale*, vol. 6 (Solesmes, 1900), 125–26.

³⁶ The reader who can compare our plate 4 with the facsimile in *Paléographie musicale* 5 will not need to be an expert to recognize very similar melodic contours in the neumes of such passage as "in quo bene," "constitutus sum," "predicans preceptum," and others. At the same time, the Bisceglie melody is closely related to the Beneventan chant by its regular use of standard melodic formulae.



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